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INTRODUCTION OF SIGUEAL EL-AINEE IN URBAN AREAS

EGYPT FINANCIAL SERVICES PROJECT
TECHNICAL REPORT #44

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ACRONYMS

ABS	Asset-Backed Securities
AI	Appraisal Institute
AMCHAM	American Chamber of Commerce in Egypt
ALC	Arab Legal Consultants
AOJS II	Administration of Justice Support II
BDA	Bond Dealers Association
BOD	Board of Directors
CBE	Central Bank of Egypt
CIDA	Canadian International Development Agency
CAPMAS	Central Agency for Public Mobilization and Statistics
CASE	Cairo and Alexandria Stock Exchanges
CBE	Central Bank of Egypt
CMA	Capital Market Authority
COTS	Commercial Off-the-Shelf
COP	Chief of Party
CRA	Commercial Registry Authority
CORS	Continually Operating Reference Stations
DCA	Development Credit Authority
DO	Egyptian Survey Authority District Office
DVP	Delivery versus Payment
DTGS	Direct Transfer Gross Settlement System
EAA	Egyptian Appraisers Association
EALB	Egyptian Arab Land Bank
EAR	Egyptian Association of Realtors
EAREA	Egyptian Association of Real Estate Appraisers
EBA	Egyptian Bankers Association
EBI	Egyptian Banking Institute
EISA	Egyptian Insurance Supervisory Authority
ECIM	Egyptian Cadastral Information Management (Finnish-funded project)
ECMA	Egyptian Capital Market Association
EDO	Egyptian Survey Authority District Office
EFS	Egypt Financial Services
ELF	Egyptian Finance Liquidity Facility
EHFC	Egyptian Housing Finance Company
EIMA	Egyptian Investment Management Association
EISA	Egyptian Insurance Supervisory Authority
EJA	Egyptian Judges Association
ELA	Egyptian Lawyers Association
EMA	Egyptian Mortgage Association
EMBA	Egyptian Mortgage Brokers Association
EPO	Egyptian Survey Authority Provincial Office
ESA	Egyptian Survey Authority
EREA	Egyptian Real Estate Association
ERESA	Egyptian Real Estate Surveyors Association

ESA	Egyptian Survey Authority
ESOP	Employment Stock Ownership Plan
ESRI	Environment Systems Research Institute
EU	European Union
FinBi	Finance and Banking Consultants International
FTC	Federal Trade Commission
FSVC	Financial Services Volunteer Corps
GAFI	General Authority for Free Zones and Investment
GIS	Geographic Information System
GOE	Government of Egypt
GSF	Guarantee and Subsidy for Real Estate Activities Fund
H&A	Hassouna and Abou Ali Law Firm
IFC	International Finance Cooperation
IFS	International Federation of Surveyors (Egypt Chapter)
IHF	International Housing Finance
ILS	International Land Systems, Inc.
IPF	Investor Protection Fund
KRA	Key Results Area
LADIS	Legislation and Development Information Systems
MBA	Mortgage Bankers Association
MCDR	Misr for Clearing, Depository, and Registry
MFA	Mortgage Finance Authority
MFC	Mortgage Finance Company
MLS	Multiple-listing Service
MSAD	Ministry of State for Administrative Development
MOF	Ministry of Finance
MOH	Ministry of Housing
MOJ	Ministry of Justice
MOI	Ministry of Investment
MOU	Memorandum of Understanding
NAR	National Association of Realtors
NASD	National Association of Securities Dealers
NCCIC	New Cairo Community Information Center
NCJS	National Center for Judicial Studies
NIB	National Investment Bank
NFI	New Financial Instrument
NUCA	New Urban Community Authority for Sixth of October
OST	Overseas Study Tour
PEA	Project Execution Agreement
PO	Provincial Office (of the Egyptian Survey Authority)
PIN	Parcel Identification Number
PMU	Project Management Unit
QPR	Quarterly Progress Report
QSIT	Quality Standards Information Technology
REPD	Real Estate Publicity Department
RETD	Real Estate Tax Department
RFP	Request for Proposal
RFQ	Request for Quotation
RO	Registry Office

SEC	Securities and Exchange Commission
SII	Securities and Investment Institute
ST	Short-term
TDL	Training Development Laboratory
UCD	Universal Cadastral Database
UNCITRAL	United Nations Commission on International Trade Law
USAID	United States Agency for International Development
WB	World Bank
YEBA	Young Egyptian Bankers Association
Z&K	Zarrouk, Khaled & Co.

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1. EXECUTIVE SUMMARY

PROJECT ADVISORY COMMITTEE

The joint cooperation among Ministry of Justice (MOJ), Egyptian Survey Authority (ESA) and the Egypt Financial Services (EFS) Project should be formalized through the formation of a project advisory committee. The advisory committee would have membership similar to the Board of Directors of the *Sigueal El-Ainee* Fund. Perhaps the Minister of Justice could direct the Board to function as the advisory committee to avoid having to establish a new body. The advisory committee would provide policy guidance to the project, serve as the liaison with other Government of Egypt (GOE) agencies, and would form technical subcommittees to provide input on issues like public awareness, mapping, automation, finance, and law.

CHOOSE PROJECT AREAS

The project areas need to be finally designated so that the preparatory work, including public awareness campaigns and preliminary map preparation, can begin. There is still conjecture about whether 6th of October will be one of the areas. This requires final clarification. Locations for registration offices and field data collection locations also need to be chosen.

AGREE ON FIRST REGISTRATION METHODOLOGY

The attached diagram shows a proposed first registration methodology that has been discussed with representatives of Real Estate Publicity Department (REPD) and ESA. They agree in principle that it is consistent with Law 142 and will remedy some of the problems encountered when first registration was conducted in rural areas. This methodology needs to be refined and agreed upon so that public awareness materials, subcontractor bid documents, training materials, operational materials and forms can be prepared. The details of the methodology should be discussed at a workshop in December.

LAW 142 PROVIDES A CLEAR LEGAL FRAMEWORK FOR FIRST REGISTRATION

We do not see the need for immediate amendments to the Law (as distinguished from the Executive Regulations and Instructions), except that we recommend strongly amending Articles 18 and 19 of the Law for three reasons: (1) they impose fees for first registration; (2) they set unrealistic deadlines for submission of settlement forms and other documentation to support first registration; and (3) they put the burden on owners to submit applications for first registration. Articles 18 and 19 could be combined into one Article that would state something like "Rights in real estate units shall be registered on the basis of notarized documents, possession, consent of concerned persons, or other means authorized by law". This would eliminate the fee discussion and the timing problem, as well as the subtle reliance on the initiative of owners and other concerned persons to apply for registration.

LAW REQUIRES SYSTEMATIC FIRST REGISTRATION

Law 142 requires that all properties within the designated area must be brought within the system on a mass rather than an individual basis. Article 4 (1) requires that each real estate unit in a cadastral zone should have a real estate page (sahayfa). The notice requirements and the deadlines contained in Law 142 clearly indicate that a systematic process will be applied to all property units. The project

should result in the preparation and issuance of a *Sahayfa Akariya* for every unit in the project areas.

THERE SHOULD BE NO FEES OR NOMINAL FEES FOR FIRST REGISTRATION

We distinguish between fees for first registration and fees for registration of subsequent transactions. Countries that have recently introduced title registration systems have discovered that anything other than a nominal fee for first registration can cause first registration to fail. Experience internationally has also shown that governments that invest in first registration (by not charging fees or by charging very low nominal fees) quickly recover their investments. Subsequent revenues that can be attributed to successful first registration include increased fee collection on subsequent transactions, increased property tax collection, and economic growth through real estate finance, which also generates future indirect revenue to government.

FIRST REGISTRATION SHOULD FOCUS ON DATA COLLECTION IN FIELD

Because existing information in REPD and ESA offices is incomplete and outdated, first registration should emphasize collecting ownership information in the field. Any effort to collect data in the field will succeed or fail largely based on the public's willingness to participate. There will have to be a focused and sophisticated campaign to educate people about the benefits of registration and make them comfortable with and confident in the process. They will have to be convinced that first registration will not be connected with enforcement of building codes or tax laws.

Field teams will collect data for each real estate unit and will prepare a Field Report, which will include: the identity of the real estate unit (by reference to the unit's unique identification number, and, if applicable, its address), the date of the Report, the apparent owner of the unit, any encumbrances or other issues affecting the unit, a list of the documents supporting ownership, and other observations about the property.

FIRST REGISTRATION SHOULD BE BASED ON THE BEST EVIDENCE AVAILABLE

REPD legal experts will determine from the Field Report and supporting documents whether ownership and encumbrances are legally sufficient to enter into the registry. They must apply their legal acumen in a practical manner recognizing that the objective is to come to a quick, rational decision, relying in part on the safeguards of publicity and notice which allow decisions to be contested by persons who wish to assert claims. Above all, the persons making the decision to register ownership must avoid the tedious and dilatory processes of the *Sigueal El-Shaksi* system.

SAHAYFA AKARIYA IN THE REGISTRATION OFFICE SHOULD BE THE ONLY LEGALLY VALID "TITLE"

In the long run, Articles 58 through 61 should be amended to consolidate the different types of certificates issued by the registry. Ideally, there would be one *Sahayfa Akariya* kept in the registry for each real estate unit. Anyone, not only the owner, would be able to obtain a certified copy of that *Sahayfa Akariya* at any time upon payment of a reasonable fee. No distinction should be made between the document provided to an owner and that provided to anyone else.

SUBSEQUENT TRANSACTIONS

The majority of transactions will be routine and will present no problems for the registration office, but there will be transactions that require legal review. These, however, should not ordinarily present problems. Some of the financing methods that have developed in Egypt may appear to be complicated, but from the standpoint of the registry will be easily handled in the normal course.

LAW 142 MUST PROVIDE OPEN ACCESS TO TITLE INFORMATION

Article 6 limits access to the registry to judicial authorities and their representatives. Article 59 stipulates that only owners and “concerned persons” can obtain certificates. These Articles will have to be amended to allow increased access to the registry so that the public can independently verify the status of title.

2. INTRODUCTION

This report summarizes the findings and recommendations reached during our work in Egypt in October-November 2005. Our primary focus was on assisting in the development of a methodology for the introduction of *Sigueal El-Ainee* (registration of title) in urban areas. The process of converting to *Sigueal El-Ainee* is alternatively called first registration, initial registration, or adjudication. This report uses the term “first registration.” We analyzed the existing laws, executive regulations and instructions governing first registration, and developed recommendations for necessary amendments. We also developed recommendations regarding the registration of subsequent transactions in *Sigueal El-Ainee* once first registration has been completed.

This report has been organized into the following sections:

- (1) Proposed Methodology for First Registration – briefly describes the proposed methodology for first registration in urban areas. The methodology is designed to be efficient, and cost-effective, and to implement some of the lessons learned when first registration was conducted in rural areas.
- (2) Field Data Collection and Submission by Owners – describes the process of site visits and other means of collecting data from owners during first registration instead of relying on outdated or incomplete information in existing records.
- (3) Process Collected Data – discusses Law No. 142 of 1964 and its Executive Regulations, and Instructions as they relate to the use of data to prove ownership during first registration, describes how data has been processed in the past, and makes recommendations for processing data during first registration in urban areas.
- (4) Review by Public and Objection Review Committee – describes the process whereby preliminary determinations of ownership will be subjected to public review and comment.
- (5) *Sahayfa Akariya* (Real Estate Page) as “Title” – contains recommended changes to the form of the *Sahayfa Akariya* to adapt it to the urban context and to make it more consistent with international standards.
- (6) Subsequent Transactions – contains observations regarding the registration of subsequent transactions that occur after first registration.

3. PROPOSED METHODOLOGY FOR FIRST REGISTRATION

The proposed methodology for first registration in urban areas is shown on the chart attached as Appendix 1. The proposal is based on input received from counterparts at REPD, ESA and MSAD as well as private sector participants in real estate markets and users of the both the *Sigueal El-Ainee* and *Sigueal El-Shaksi* (registration of deeds) systems. The methodology is aimed at arriving as efficiently and quickly as possible at a reliable determination of the true owners of urban properties relying on facts established by the best available evidence of ownership. The methodology is

designed to incorporate some of the lessons learned when first registration was conducted in rural areas. The process in rural areas relied very heavily on ownership data collected from various government agencies, including the Real Estate Publicity Department (REPD), The Egyptian Survey Authority (ESA), and the Real Estate Tax Department (RETD). Field work, to the extent it was done, concentrated on surveying and mapping rather than on collecting and verifying ownership data. The proposed methodology for urban areas recognizes that ownership information in government agencies is likely to be outdated and incomplete. There is less reliance placed on this information and more placed on information collected from owners and occupants, who are more likely to have accurate information albeit off-record. Information collected in the field will be scrutinized by REPD officials (and perhaps ESA officials in cases involving geographic issues), and then will be subjected to comprehensive public review and comment before a final *Sahayfa Akariya* (Real Estate Page) is issued to the owner.

SYSTEMATIC VS. SPORADIC FIRST REGISTRATION

The proposed first registration methodology is systematic; the objective is to determine the ownership of every real estate unit in the area in which first registration is being conducted and to issue each owner a *Sahayfa Akariya* (Real Estate Page). In our view, Law No. 142 of 1964 (*Sigueal El-Ainee*) requires systematic first registration.

This view is supported by the Explanatory Note issued by the Minister of Justice upon the adoption of Law 142, the Presidential Decree dated 24 March 1964 promulgating the Law, and the Law itself. In highlighting the advantages of the *Sigueal El-Ainee* system, the Minister of Justice in his explanatory note stated:

It is worth mentioning that the title registry system shall not be applied simultaneously countrywide, but in every surveyed region respectively. Whenever a region enjoys an updated survey, the system shall be applied thereon. Prior to the first listing in the registry, all documents shall be scrutinized, holders of rights shall be discussed, necessary publications shall be considered in newspapers, official agencies and other mass media, allowing the concerned parties to file objections before a legal committee. (Emphasis added.)

The Minister of Justice's note indicates that first registration in *Sigueal El-Ainee* is to be conducted systematically throughout the country on an area by area basis. When *Sigueal El-Ainee* is applied in an area it is applied to the whole area, not just to individual properties. Within each area, all property owners and other interested parties submit claims and scrutinize rights on a mass rather than an individual basis.

First registration under *Sigueal El-Ainee* is triggered by a Decree of the Minister of Justice identifying the cadastral sections to which the *Sigueal El-Ainee* system is to be applied¹. The Decree designates an entire area in which first registration will occur. At the end of the process, all real estate units in the designated area are included in the system, whether or not the owner has submitted an application for registration. This is the essence of a systematic process.

The systematic coverage of all real estate units in the area designated by the Decree of the Minister of Justice is required by Article 10 of Law 142, which says:

¹ Article 2 of Presidential Decree dated 24 March 1964 promulgating Law 142.

*All real estate units that fall within a cadastral zone shall be enumerated and a page (Sahayfa) for **each** shall be created to record the appertaining rights. (Emphasis added.)*

This clearly establishes that first registration must be conducted systematically for all units included in the cadastral zone identified by the Minister of Justice.

Similarly, Article 4 (1) of the Law requires that each real estate unit in a cadastral zone should have a real estate page (*Sahayfa*). It is clear from both these Articles that the intent of the Law is that all real estate units within the cadastral zone designated by the Minister of Justice should be systematically registered.

The notice requirements and the deadlines contained in Law 142 further support the view that first registration should be systematic. The Law requires official notices to be given at several steps in the process. The notices begin with the Decree of the Minister of Justice designating the area in which first registration will be conducted. Article 20 of the Law requires the Ministerial Decree to invite all persons with an interest in property in the designated area to come and review the data regarding their real estate units. They are also required to receive notice of the deadlines for submitting claims and challenges. This is a systematic, mass review process.

The Law contains many deadlines for submitting claims and challenges, again supporting the notion that the Law intends a systematic process that will be applied to all property units in the designated area and then will be closed. For example, Articles 18 and 19 say that people can receive 50% fee reductions for submitting their claims within two months of the Ministerial Decree. Article 21 gives the judicial committee exclusive jurisdiction to hear all claims brought within a year from the effectiveness of the Law. Article 22 says that after the end of that year, the schedule of claims and applications submitted shall be closed. At the end of the process a *Sahayfa Akariya* will exist for every real estate unit.

First registration in rural areas was not as successful as it should have been because it was treated, to some extent, as a sporadic process. Instead of conducting systematic field visits to determine ownership of **all** units within the designated area, the authorities invited owners to submit applications and prove their ownership on an individual, parcel-by-parcel basis. This subtle shift from a purely systematic to a sporadic process put the burden on individual applicants, greatly reducing the number of people who participated, even when offered a 50% fee reduction. For the most part, the *Sahayfa Akariya* produced at the end of the process did not reflect the real ownership situation. The lesson learned in rural areas is that a sporadic approach in which individual owners are asked to submit applications does not work.

FIRST REGISTRATION—RECOMMENDED AMENDMENTS TO LAW 142

The proposed first registration process was designed, to the extent possible, to be consistent with Law No. 142 of 1964. We believe that Law No. 142 of 1964 provides a reasonably clear legal framework for first registration. We do not see the need for immediate amendments to the Law (as distinguished from the Executive Regulations and Instructions), except that we recommend strongly amending Articles 18 and 19 of the Law for three reasons: (1) they impose fees for first registration; (2) they set unrealistic deadlines for submission of settlement forms and other documentation to support first registration; and (3) they put the burden on owners to submit applications for first registration.

In talking about registration fees, we distinguish between fees for first registration and fees for registration of subsequent transactions. Registration fees are presently based on the value of a transaction, and can be as high as 3%. There is no distinction between fees for first registration and registration of subsequent transactions, except that Articles 18 and 19 reduce first registration fees by 50% (i.e., to 1.5% of the value) if an application or a settlement form is submitted within the stated two-month deadline.

Experience with first registration in rural areas demonstrated that even fees reduced by 50% were a significant disincentive to registration. When property owners weighed the costs of registering (both in terms of time and money) against the perceived benefits of registration, many if not most, decided not to register. The result was that the register assembled during first registration was, in many cases, incomplete or inaccurate.

The detrimental effect of fees on first registration was documented in a study by the Institute for Liberty and Democracy (ILD) that found that over 80% of the respondents would participate in first registration if it were free and easy. The study concluded that:

Reduced costs and hassles for registration are by far the most important incentive for owners of informal real estate to register their property. All respondents considered no or only symbolic fees and simple procedures as a crucial factor for the success of the property formalization program. More than 80% of the respondents pointed out that free and easy registration would be decisive for their decision to participate in the program.

The findings of the ILD study are consistent with international experience. Countries that have recently introduced title registration systems have discovered that charging anything above a nominal fee for first registration can cause first registration to fail. This is because even a flat rate fee for compulsory first registration is an involuntary, unrecoverable cost for the owner and hence a disincentive to registering title. At the time of first registration, there is no transaction that is generating money for the owner that he/she can use to pay registration fees. Subsequent transactions, on the other hand, especially sale/purchases and loans, are voluntary and by definition occur at a time when money is changing hands. Money generated during these subsequent transactions can be used to pay registration fees, and in the context of the transaction represent a relatively minor expense. Therefore, fees constitute a much larger disincentive during first registration than they do during subsequent transactions. Governments are naturally reluctant to waive fees for first registration and forego the potential revenue that first registration can generate. But experience internationally has shown that governments that invest in first registration (by not charging fees or by charging very low nominal fees) quickly recover their investments. Subsequent revenues that can be attributed to first registration include increased fee collection on subsequent transactions, increased property tax collection, and economic growth through real estate finance, which also generates future indirect revenue to government.

Articles 18 and 19 should also be amended to lengthen the two-month deadline for submission of settlement forms and other unregistered documents. When first registration was conducted in rural areas, the Minister of Justice routinely had to extend this deadline on an *ad hoc* basis, recognizing that two months was not enough time. In our view, the deadline for use of settlement forms or submission of

unregistered evidence of ownership should be the date on which the *Sahayfa Akariyas* are finalized. In other words, claimants should be free to submit settlement forms and other documentation at any time during the first registration process. The goal of first registration is to produce a complete and accurate register. Any evidence that will assist in achieving that goal should be accepted at any time.

Finally, Articles 18 and 19 should be amended because they require interested parties to submit applications for registration. Requiring the submission of an application subtly transforms the first registration process from the systematic approach contemplated in other provisions of the Law to a sporadic approach in which the burden is placed on the property owner to initiate the process by submitting an application. As stated above, first registration should be a systematic process in which all evidence of ownership for all properties in the designated area is reviewed resulting in the issuance of *Sahayfa Akariya* for all real estate units, whether or not an application is submitted.

To summarize, based both on international experience and experience in rural areas in Egypt, we recommend amending Articles 18 and 19 to allow first registration for free or upon payment of a nominal fee, to extend the deadlines for use of settlement forms and submission of other evidence, and to eliminate the need for owners to come forward and submit applications for registration. One way to amend Articles 18 and 19 to address all of these issues would be to combine them into one Article that would state something like “Rights in real estate units shall be registered on the basis of notarized documents, possession, consent of concerned persons, or other means authorized by law”. This would eliminate the fee discussion and the timing problem, as well as the subtle reliance on the initiative of owners and other concerned persons to apply for registration.

The Table attached as Appendix 7 contains a detailed review of Law No. 142, including Article-by-Article recommendations on amendments. Most of the amendments recommended in the Table are viewed as long-term recommendations that are not necessary for first registration to begin (with the exception, as noted above, of Articles 18 and 19, which should be amended immediately).

4. DATA COLLECTION

BACKGROUND

One lesson learned during first registration in rural areas was that the procedure relied too heavily on existing information in the REPD, ESA and RETD offices, which in many cases was outdated or incomplete. That information was taken as the starting point for the determination of ownership but was not adequately verified against information collected from the field. Owners and occupants were invited to submit information but they did not come forward in the numbers desired for urban areas. The result was that the *Sahayfa Akariya* produced at the end of the process often identified a former owner (sometimes two or three owners removed from the current owner) as the owner of the property.

All indications are that existing data in REPD (e.g., *Sigueal El-Shaksi* deeds), ESA (e.g., mutation forms) and RETD offices for urban properties might be less complete and less reliable than they were for rural properties. Therefore, the first registration process in urban areas will have to rely much more heavily on convincing owners to submit ownership information, either during field visits by first registration data collectors or at data submission locations.

PUBLIC AWARENESS

Any effort to collect ownership data in the field will succeed or fail largely based on the public's willingness to participate in the process. International experience illustrates that citizens resist providing information to data collectors because they fear that the information might be used in detrimental ways, for example to enforce building or tax laws. This is expected to be the case in Egypt, where the norm is for people to conduct real estate transactions outside the registration system. Changing laws and issuing new decrees will not be enough to overcome this reluctance. There will have to be a focused and sophisticated campaign that educates people of the benefits of registration and instills in them a feeling of confidence in the process. People will have to be convinced that first registration will in no way be connected with enforcement of building codes or tax laws.

COMPOSITION AND AUTHORITY OF FIELD TEAMS

Law 142 and its Executive Regulations and Instructions do not explicitly contemplate the use of field data collection teams and are therefore silent on the authority of such teams and their composition. This leaves considerable flexibility in determining how the teams should be comprised and how they should operate.

The desired composition of the field teams will, to some extent, depend on the role they are to play in the process. If they are purely data collection teams, they can be made up entirely of private contractors that can be trained and paid by the project. On the one hand, private contractors might work more efficiently than REPD and ESA employees because they could be more highly compensated than government employees, and could have financial incentives built into their contracts. On the other hand, private contractors would not have any decision making or adjudicatory powers unless they were "deputized" or otherwise delegated powers by the Ministry of Justice. If the field teams are limited strictly to collecting data and do not have any decision-making authority they will have to collect data and bring it back to the office to be considered by a person or committee of persons authorized to make ownership determinations. This introduces another step in the process, which is inherently less efficient and also increases the likelihood of mistakes or miscommunications between the time data is collected in the field and the time decisions are made in the office.

Another potential downside to using exclusively private contractors to collect data in the field is that the methodology will be less sustainable and replicable in the future unless a source of funding to hire subcontractors for future first registration can be found. Most probably, REPD and ESA staff will have to be trained and experienced in the process if it is to be successfully repeated in the future.

Regardless of whether the field teams are purely private or some combination of private and REPD/ESA, they should include individuals who are highly trained in community relations and have a thorough understanding of the types of proof of ownership owners might submit to them in the field. They will have to be able to make judgments about the credibility of different types of witnesses and documents. They will also have to be oriented towards helping people provide the best possible evidence and should assist in completing settlement forms in cases when they are necessary.

METHODOLOGY

Data collection in the field will have to use a variety of techniques depending on the character of the area being covered. Knocking on doors might be efficient in large buildings where field teams can cover many units without having to travel significant distances. Knocking on doors will rarely succeed in reaching every household and will have to be supplemented by other methods such as enlisting building or neighborhood “captains” to assist in data collection (recognizing that some people will be reluctant to share information with neighbors). This would be particularly effective in buildings that have functioning associations, whether formal or informal. Temporary “claims and information desks” or “*Sigueal El-Ainee* Stations” could also be set up to accept data in building lobbies, in areas between buildings, or in other convenient, high traffic locations in the community that are likely to attract large numbers of people.

QUESTIONNAIRES AND REPORTS

Field teams conducting site visits will have to work from a questionnaire that is carefully designed to draw out necessary information and to flow logically through a series of questions depending on answers to previous questions. Development of the precise form of the questionnaire is premature at this stage, but it should attempt to elicit the following information:

- The names of the occupants and the rights by which they occupy the premises
- If the occupants are the owners, the right by which they own, including any documents that substantiate their right (e.g., registered deeds, *ourfi* contracts, tax receipts, utility receipts, power of attorney, inheritance documents)
- The date and method by which ownership was obtained (i.e., purchase, gift, inheritance, exchange)
- If the property was obtained by inheritance, the name of the deceased person and the names, addresses and phone numbers of any other heirs with an interest in the property (e.g., brothers, sisters, surviving parents)
- If they are tenants, the name, address and phone number of the owner and the right by which the tenant occupies the premises, including any documents that substantiate their right of occupancy (e.g., lease agreement, rent receipts, pending installment contract, utility bills, tax statements)
- Whether the unit has been mortgaged or there are other known encumbrances (e.g., pending installment contracts, easements, liens, covenants, conditions or restrictions)
- Whether the unit is subject to any pending court cases
- If the occupant or owner of the real estate unit is a legal entity, the relationship of the person to the legal entity and the legal entity's address and phone number.

The answers to these and other questions would be summarized in a Property Report completed by the field team. The Property Report would be a relatively simple document that would include: the identity of the real estate unit (by reference to the unit's unique identification number, and, if applicable, its address), the date of the Report, the owner's name, a list of any encumbrances or other issues affecting the unit, a list of the documents that support the ownership right, comments by the field staff that support or undermine the ownership information, and a statement by the field staff verifying that the person or persons interviewed were of age and appeared to be credible.

High technology solutions for inputting data into the Property Report in the field might not be practical in the environment in which the data collection teams will be working, but handheld devices and laptops for onsite data entry would increase efficiency and reduce the likelihood of mistakes between the time of data collection and input.

DATA CAPTURE

The capture of supporting documentation in the field has important legal implications both to provide adjudicators with the opportunity to review and evaluate documents offsite (see Section 5 of this Report) and to support ownership determinations against later claims and challenges. The more documentation that can be captured in the field and preserved, the more credible and secure the first registration results will be.

Since owners and occupants will be reluctant to part with their documentation, even for a short time, advanced onsite data capture techniques would greatly enhance the results of first registration. Ideally, data collection teams would be equipped with handheld scanners or other equipment to scan or copy documentation and index it to the real estate unit onsite. The technical and financial feasibility of various options are being explored.

SETTLEMENT FORMS

Article 19 of Law 142 of 1964 contemplates the use of Settlement Forms to formalize unregistered ownership rights gained through exchange of property, or by adverse possession. Settlement Forms provide a vehicle by which a party in possession can document and legalize his or her rights by obtaining the consent of any party who might claim a contrary right. In the rural context, Settlement Forms probably came into play most frequently to resolve potential boundary disputes between neighbors and possibly in unclear cases of inheritance. In the urban environment the use of Settlement Forms will be less oriented toward resolving boundary issues and will be more directed toward determining substantive rights in the real estate units. Settlement Forms in this context will also serve to solicit and obtain consensual agreements whereby someone with a potential adverse claim to the property could waive his or her claim. This would probably be most useful in cases of inheritance where other potential heirs could formally relinquish any claims to the property. The Settlement Form used in rural areas and approved pursuant to Ministerial Decree 1749 of 1975 would work for this purpose but should probably be modified for use in urban areas. Mainly, the document should be simplified to omit unnecessarily detailed information about the unit, such as area, boundary description and tax information. The Settlement Form should be distilled to a simple agreement whereby the signatories agree that the property identified in the agreement (again, by reference to the unique property identification number, and where applicable, the address) is owned by the party or parties listed in the agreement and subject only to the encumbrances listed in the agreement.

5. PROCESS COLLECTED DATA

LAW

LAW NO. 142 OF 1964 (*SIGUEAL EL-AINEE*)

Current law presupposes that owners will take the initiative in registering title to their real estate units either 1) based upon notarized documents, or 2) based upon unregistered contracts or adverse possession. For notarized documents the law requires that an application be submitted to the real estate registry, and for informal contracts or adverse possession a “settlement form” is to be submitted. The application or settlement form, as the case may be, is then considered by the “authority in charge of the real estate registry²” to decide whether or not to enter rights in records for the relevant real estate unit. The Law states that the application or settlement form will be supported by certain documents as developed in Executive Regulations³. Rights that are entered into the registry are proof of the matters stated⁴ and the legal effect is to protect registered rights against claims by persons holding unregistered rights⁵. The Law provides that if there is incomplete data the applicant will be notified to complete the data within fifteen days⁶. This will rarely be a problem where professional field teams gather the data using an established procedure. The committee will issue an opinion “as soon as possible” regarding entry into the registry or rejection of the application⁷ and where a positive determination has been made, entry will be made into the registry, carefully matching the details of the submitted documents⁸.

EXECUTIVE REGULATION NO. 189 OF 1975

The Executive Regulations mandate that the *Sigueal El-Ainee* District offices investigate publicized written materials submitted to them and review their legal aspects⁹. Article 107 of the Executive Regulations explains that the purpose of the investigation by the *Sigueal El-Ainee* Main Office is to make sure that the applicant is the real owner and that he/she is not claiming more than owned. Articles 16 through 19 of the Executive Regulations basically resolve the systematic adjudication procedures for *Sigueal El-Ainee* into a process of “registration and publication” of documents that have not been previously registered. This has the effect of subjecting a first registration to the same procedure currently used to register and publicize a document in the *Sigueal El-Shaksi* system. If a settlement form is

² Law No. 142 of 1964 does not require that the applications or settlement forms be considered by a committee, though Executive Regulation No. 189 of 1975 requires a committee to prepare the survey book. See Article 24 of Executive Regulation No. 189 of 1975.

³ Article 46 and Article 47 of Law No. 142 of 1964 (*Sigueal El-Ainee*).

⁴ Article 37 of Law No. 142 of 1964 (*Sigueal El-Ainee*).

⁵ The rights entered in the title schedule will be subject to review and the opportunity to make objections.

⁶ Article 51 of Law No. 142 of 1964 (*Sigueal El-Ainee*).

⁷ Article 52 of Law No. 142 of 1964 (*Sigueal El-Ainee*).

⁸ Article 57 of Law No. 142 of 1964 (*Sigueal El-Ainee*).

⁹ Article 3 of Executive Regulation No. 189 of 1975.

submitted, the *Sigueal El-Ainee* office must investigate the origins of the rights and determine the cadastral data, investigate “the hand processing and its whole time”¹⁰, and investigate the subjoined rights and charges on the real estate unit¹¹. If all conditions are met, fees paid, and signatures of concerned parties approved, the settlement form will replace the publicized written documents, and title will be entered based upon the settlement form¹².

For urban real estate a summary of registered contracts is to be provided “in addition to what the relevant parties might introduce of maps and documents”¹³. Article 50¹⁴ of the Executive Regulations lists the following data from the mukalafa (tax) registers, the most important of which for the adjudication of ownership are:

- up-to-date information about the name of persons that are legally supposed to pay taxation; and
- the names of persons who are actually paying taxes.

INSTRUCTIONS

The process of analyzing settlement forms is summarized in Article 7 of the Instructions:

The Title Register offices shall accept settlement forms and review them from the legal point of view, hold field verification investigations, notify applicants, once only, of information lacking and stamp the forms with the Republic Seal after reviewing them.

It shall also examine applications, make a legal revision of projects contained in the documents, notate that these projects are valid for registration when all requirements have been fulfilled and return the documents to the applicants if they are incomplete stating once only the missing documents or incomplete aspect of the project.

The Instructions then set out in detail the supporting documents and evidence to be submitted with applications or settlement forms¹⁵ and provide that the entity responsible for the registry will, if in conformance with the Law and Executive Regulation, set out the rights in the *Sahayfa Akariya* (Real Estate Page)¹⁶.

There is much talk among Egyptian specialists that entire chains of contracts must be investigated to make a preliminary determination of the ownership of a real estate

¹⁰ It is not clear what is meant by this, but it appears that it means examine the chain of the informal contracts. This seems to be confirmed by the Instructions, which are discussed below.

¹¹ Article 20 of Executive Regulation No. 189 of 1975.

¹² Article 22 of Executive Regulation No. 189 of 1975.

¹³ Article 69 of Executive Regulation No. 189 of 1975.

¹⁴ Articles 23 through 65 apply to agricultural land and will only be mentioned insofar as data collection might be relevant to the general determination of real estate ownership.

¹⁵ These are outlined in the appendices to this report.

¹⁶ See Articles 22 through 43 of the Instructions.

unit, but Instructions appear to counter that position. Note well that Article 36 of the Instructions states:

It shall be sufficient to attach a copy of the last informal contract, which is the subject of the form, without the series of informal contracts. The concerned parties shall testify that it is a true copy of the original. If it is difficult to present such a copy, the concerned party may make a statement, for which he or she shall be held responsible, and it shall be possible to proceed with the other measures.

Accordingly, the process established by Law No. 142 of 1964 (Sigueal El-Ainee), the Executive Regulations and the Instructions can be summarized. The entity responsible for the registry considers applications for holders of publicized contracts or settlement forms and verifies title by means of a committee that conducts a physical inspection of the premises and submits an inspection report. For settlement forms the entity responsible for registration indicates the research and inspections conducted on site, the testimony of the concerned persons, neighbors, and authorized officials. The settlement form is signed by the competent employees. After the data, both legal and geographical, has been collected during the field visits a legal determination is made regarding the owners and encumbrances, and a list of titles is prepared in accordance with this determination.

PRACTICE

In actual practice, the applications and settlement forms are investigated on an individual basis in much the same way they would be under Sigueal El-Shaksi and decisions are not made within a reasonable time. Effectively, the burden of proof is on the applicant/owner to come forward to register his/her title and he or she is faced with an investigatory process very similar to the cumbersome verification procedure under Sigueal El-Shaksi. Field verification has been neglected making the process more or less a “desk exercise”¹⁷. People do not go to the registration offices in part because they do not understand the value or advantages of registering their ownership. And, in the Dokki project, people were very reluctant to give information regarding their rights because they were worried about how the information would be used¹⁸. As a consequence, the records at the REPD often show only the name of the first owner, which in most cases is out of date and does not correspond to the rights as they actually exist based upon off record transactions that have taken place¹⁹.

COMMENTS

All in all the procedures in the Law, Executive Regulations, and Instructions are adequate for the first “registration” of units. There should be very few units where the title is controversial, so most units should be able to be brought into the system quite quickly, if the Executive Regulations and the Instructions are applied to realistically

¹⁷ Notes from meeting dated October 31, 2005 with Mohamed Zainhom, Head of REPD, and Omar Ismail, Head of Sigueal El-Einee.

¹⁸ There is always the fear that the registration system and data gathering will be used to police compliance with other administrative and regulatory provisions regarding real estates, such as building codes, building permits, taxation, and other requirements. The registration system will not be successful if this fear persists.

¹⁹ Id.

determine actual ownership. The procedures in the Law, Regulations, and Instructions call for reliance on all documentation available, but there should be increased confidence on other evidence (ourfi contracts, possession, utility bills, tax records), and information discovered during field visits should be allowed much more probatory weight than existing records. The determination of ownership relying on data collected in the field should not be that difficult and should not be made more complicated than it needs to be by trying to reconcile out-of-date and incomplete documentation contained in the real estate offices with reality verified in the field. It is very likely that there will be ready agreement among those responsible for entry in the registry after reviewing the data from the field, and this should be sufficient to allow them to compile title lists very quickly for first registration without giving excessive credence to outdated and inaccurate records in the real estate office²⁰. The process of adjudication should emphatically avoid the tedious and time-consuming examinations traditionally conducted for the *Sigueal El-Shaksi* system.

A prominent Egyptian attorney who represents clients purchasing and selling real estate has explained that in determining the owner of a particular parcel or apartment he reviews:

- The registered document, if it exists²¹.
- Utility bills are a very sound source for determining ownership. Electric bills and telephone bills are more reliable than gas bills. The electric companies do a very thorough job in their due diligence to determine the owner. An owner cannot hook up to utilities unless a building permit has been issued.
- The registration office is asked to issue an extract that covers a requested period of time for the name of the owner according to the registered document.
- Tax statements are a good source for identifying the owner, though these are not infallible.
- Ourfi contracts²².

Significantly, he did not state that he goes to the registry office to review the name indices²³. It should be borne in mind that persons interested in purchasing property are able to satisfy themselves as to who owns property with little or no reliance on the present registry and are willing to pay significant sums to purchase these rights. The officials making ownership determinations for first registration ought to be as comfortable with off-record evidence as persons who are willing to purchase real

²⁰ Article 968 of the Civil Code.

²¹ He commented, however, that registered documents are not entirely reliable because it is possible for the owner to have more than one of these.

²² It was estimated that less than 20% of all properties in Cairo have been issued registered documents under *Sigueal El-Shaksi*. If an ourfi contract is all that the owner has there is often a significant decrease in the purchase price. In addition, the purchaser will ask for a power of attorney from the seller to register all the ourfi contracts in a chain back to a registered document.

²³ These records are not only organized by name, but also by year making it difficult to search ownership without information outside of the real estate office.

estate at significant cost. Of course, the records existing in the real estate offices will be consulted where available, but the officials should not become preoccupied with reconciling disagreements between the record and the practical evidence from the field. The officials should place a high degree of confidence in the field data as do persons investing in real estate.

In this regard, we realize that Article 13 of Law No. 142 of 1964 states:

Rights based on possession shall not be established except in the case of absence of any notarized documents in contradiction therewith²⁴.

This Article should not be applied to first registrations. Certainly there will be cases where notarized documents are inconsistent with the rights of the parties in possession. Any party in possession should have the opportunity to prove his/her ownership to a real estate unit even if the claim contradicts a notarized record. In many cases title is usually not based upon possession alone, but arises through some legal mechanism, and the party in possession in most cases will be able to explain how he/she acquired title. This happens especially where families have been in possession of real estate for a very long time. The occupants and the predecessors through whom they claim are likely to have been in possession a generation or more. The real estate records are only one source of information and if inconsistent with the statements regarding possession, should be given very little or no force in establishing ownership. In these cases title can be entered based upon best evidence, and notice of the first registration given to the persons named in the notarized document. It is anticipated that in most cases these persons will not contest the rights of the parties in possession. Occasionally, however, the person listed in the notarized document may contest the rights of the party in possession and in such a case the party in possession must have the right to establish its legitimate title. If the experience in Egypt is similar to that internationally it should not be difficult to determine whether the person named in the notarized document has a legitimate claim or is only contesting the rights of the person(s) in possession to be vexatious or to be paid off to drop the claim. These cases will be referred to the judicial committee formed under Article 21 of Law No. 142 of 1964.

There will also be cases where information from the real estate offices suggests that additional information must be provided by the party in possession or other concerned persons. For example, where the occupant of a real estate unit is one co-tenant with two or more co-owners, even good faith statements by the occupant may not be entirely correct. If the record discloses that the occupant is one of two or more owners, the officials will have to inquire into the rights of the additional co-tenants. This example is cited to indicate that the records as a whole may be helpful in corroborating the claims by the occupant or indicating that others may have rights. These cases will arise particularly where common ownership, inheritance, family ownership, and similar situations are involved.

An additional consideration in preparing title lists during first registration is that it may be more difficult to identify encumbrances than determine ownership. Encumbrances

²⁴ This article appears to apply to events that occur after initial registration, though it is not limited to subsequent transactions and might be wrongly invoked in first registrations where it should not apply. It follows the traditional practice that once title is registered a person cannot adversely possess the registered real estate. The modern trend for registration systems is to eliminate this proscription. It is suggested that the modern trend be seriously considered for Egypt.

will include mortgages, installment sales contracts, leases and subleases, servitudes, conditions and restrictions, and the like. These lesser rights must be placed in the record for the relevant real estate units during first registration, but the burden is squarely on the parties claiming such rights to come forward and assert them. Wide publicity concerning first registration will ensure that those that claim such rights come forward, and interviews with the neighbors and a close inspection of the premises will often provide evidence that such lesser rights exist. Bear in mind, however, that even if information is inadequate to identify existing encumbrances, claimants do not lose these rights as to the owner in the first registration if the owner was a party to a transaction creating the encumbrance or if the owner knows about the encumbrance. Only with a conveyance of the real estate unit to a bona fide purchaser will the encumbrancer lose his/her right if it is unregistered. This is perfectly fair, since it is the encumbrancer's inaction that causes the loss of rights. The person claiming the encumbrance must take advantage of the registration system to protect his right. If the encumbrancer does not, there are no grounds to complain.

In summary, the decision to register rights during first registration should be based on facts supported by the best evidence available, and in the majority of cases, will be neither difficult nor controversial. The decision makers must apply their legal acumen in a practical manner recognizing that the objective is to come to a quick, rational decision, relying in part on the many safeguards of publicity and notice which allow the decision to be contested by persons who wish to assert a claim. Where there are competing claims, the parties themselves will generally resolve the dispute. If this is not possible the case will be considered by the judicial committee or the courts. Above all the persons making the decision to enter the ownership information in the registry must avoid the tedious and dilatory processes of the *Sigueal El-Shaksi* system. In order for the decision makers to acquire a practical confidence in the data that they will be asked to review they should be well acquainted with the field investigation procedures and should, in the initial stages of implementation of *Sigueal El-Ainee*, accompany the field teams on several field investigations.

6. REVIEW BY PUBLIC AND OBJECTION REVIEW COMMITTEE

After the List of Titles is completed, every owner and holder of a right would be notified and the list would be posted prominently in the community, giving concerned persons the opportunity to review the List and raise claims and objections. The claims and objections would be submitted to the Objection Review Committee. This procedure follows Article 63 of Executive Regulation No. 189 of 1975, which states:

Every land owner and every right claimant should be notified with what has been registered in the surveying book²⁵ in connection with their names. They should also be informed that they have the right to submit objections within 15 days from the time they received the notification letter. They can object through submitting a complaint to the real estate publicity office, which has to forward it to the committee stated in the next article (i.e., the Objection Review Committee – comment added).

²⁵ Note that in the proposed first registration methodology the document that is posted at this stage of the process is called a "List of Titles" instead of a "Survey Book." The change in name is proposed to acknowledge that the document will be in the form of a list of legal rights and will not emphasize geographical or survey information.

These Regulations need to be tested in the field, because it would seem that the fifteen-day time for submitting objections is too short to allow concerned persons to gather their own information to make a reasoned decision to object. It is also possible that owners or other concerned persons do not reside in the district where *Sigueal El-Ainee* is being implemented and would need more time simply as a logistical matter to either travel to the district to lodge an objection or to find and hire an attorney or other agent to do this for them.

There is an implication in Article 63 that if objections are not made within the fifteen day period they cannot be made, but this is not stated expressly. If this is the intention, then we suggest that the Article be amended to lengthen the objection period and state that if objections are not made within that time period the objections are deemed to be waived.

The Objection Review Committee established pursuant to Article 64 of Executive Regulation No. 189 of 1975 consists of two members with a legal background and one member of ESA. This Committee will conduct an investigation, which may or may not require field investigation, and render a written decision regarding the objection. Notice of the decision will be sent to the claimant, but Article 64 does not state that notice will be sent to other concerned parties. Note that the Committee decision might be in favor of the objecting party, thus depriving the owner or another concerned party of his/her rights. This Article should be amended so that all persons having an interest in the real estate unit are given notice of the decision, not just the objecting party.

It should be noted that decisions of the Objection Review Committee are not final. Their decisions, as well as the *Sahayfa Akariya* issued at the end of first registration, can still be appealed to the Judicial Committee formed according to Article 21 of Law No. 142 of 1964. Article 22 gives the Judicial Committee exclusive jurisdiction to hear appeals for a year after enforcement of Law No. 142 of 1964. Even after that one-year period expires, claimants can submit appeals to the court of competent jurisdiction²⁶.

Taken together, the broad publication and notice of the Ministerial Decree on the intention to establish *Sigueal El-Ainee*, the notice of the results of decisions in making up the List of Titles, the right to file objections and appeal the decisions of the Objection Review Committee to the Judicial Committee, and ultimately to the appellate court, lend the first registration process a high degree of reliability and adequately protect the rights of all concerned persons.

7. SAHAYFA AKARIYA AS “TITLE”

The records of the registry should be organized in a manner that will appropriately support the real estate market. The form of the *Sahayfa Akariya* should be simplified to include only information relevant to the status of the title for the real estate unit covered (See Appendix 4 for suggested sample). This would include 1) a section for the cadastral number, to uniquely define which real estate unit is covered by the

²⁶ Article 22 of Law No. 142 of 1964 seems to mean that no further suits or objections can be filed with the Judicial Committee, but the Judicial Committee will continue even after the expiration of the one year period to decide the cases before it. We further interpret Article 21 to mean that after one year the exclusive jurisdiction of the Judicial Committee ends, but suits and claims can continue to be brought in a court of competent jurisdiction.

Sahayfa Akariya, 2) a section setting out the ownership of the real estate unit, and 3) a section for encumbrances. There would be no owner's duplicate of this *Sahayfa Akariya* given to the owner at the time of issuance²⁷ and only the *Sahayfa Akariya* in the registry office would constitute the official status of title. This would bring the system in Egypt in line with world practice regarding title registration systems. By organizing the *Sahayfa Akariya* in the fashion suggested the system will be more efficient, and by eliminating the legal requirement for an owner's copy of the *Sahayfa Akariya*²⁸, the system will be less prone to fraudulent transactions.

Sahayfa Akariya in the registration office would establish certainty of ownership and that the real estate unit is free from all claims and encumbrances, except those noted on the *Sahayfa Akariya* in the registry office. Examination of this document would be all that is necessary to determine the status of ownership, leases, mortgages, restrictions, easements and other encumbrances. Thus, the status of ownership of a real estate unit could be determined by a person interested in engaging in a transaction at any time and at a glance with reference to the *Sahayfa Akariya* in the registry office. Furthermore, the person could ask for a certified copy and know that on the date and at the time of certification the status of title is as shown in the certified copy.

In the long run, Articles 58 through 61 of Law No. 142 of 1964 (*Sigueal El-Ainee*) should be amended to consolidate the different types of certificates issued by the registry and to make it clear that the *Sahayfa Akariya* (Real Estate Page) maintained in the REPD is the only legally binding proof of title. Ideally, anyone, not only the owner, would be able to obtain a certified copy of that *Sahayfa Akariya* at any time upon payment of a reasonable fee. No distinction should be made between the copy of the *Sahayfa Akariya* provided to an owner and that provided to anyone else because the copy of the *Sahayfa* would not have any legal authority except as a representation of the status of title as the date and time the copy was made. Ultimately, the *Sahayfa Akariya* in the registration office should be the only legally valid "title." This change in the Law would help eliminate fraud and other confusion that can result if *Sahayfa Akariya* or certificates held by the public are invested with the legal status of title. It also eliminates the need for complicated procedures to replace owners' duplicates of the *Sahayfa Akariya* when they are lost or damaged. Making this change in the Law will require educating the public to the concept that the *Sahayfa Akariya* in the registration office is the only legally binding "title."

²⁷ The owner could ask for a certified copy, which would have the same legal status as a certified copy given to anyone else who requests one. This would change the present practice in Egypt where the owner is given a so-called "registered document" that is supposed to be proof of his ownership. Persons interested in purchasing the real estate are expected to rely on that registered document as proof. If a purchaser wants to make sure that no other voluntary transaction is entered into by the owner, he takes possession of the registered document. However, in practice those registered documents cannot be relied upon, because in many cases, in contravention of the law, the owner has more than one of the registered documents. Thus, there is opportunity for fraud and knowledgeable legal experts do not rely on this registered document. This is reason enough to recommend that the law be amended to eliminate the owner's copy of the *Sahayfa Akariya*.

²⁸ See Law No. 142 of 1964 Article 58.

8. TRANSACTIONS SUBSEQUENT TO INITIAL REGISTRATION

LEGAL BASIS

The completion of first registration is not the end of registration, but the beginning. Once the system of *Sigueal El-Ainee* has been implemented it is incumbent on the registration office to maintain the records in an efficient manner useful for those wishing to engage in real estate transactions. The fact that it is a registration system means that persons dealing with a real estate unit need not examine all the documents that have affected the unit, but need only refer to the *Sahayfa Akariya* in the registry office to determine the status of title. The *Sahayfa Akariya* must show all and only those rights that presently exist regarding the real estate unit. In this regard Article 193 of the Executive Regulation²⁹ appropriately directs that:

Title registry data must not be changed except through notarized documents issued from the person who has the right to assign any of the rights certified in the registry, or by virtue of a ruling or decision from the court³⁰ under whose jurisdiction the survey department falls or from the Judicial Committee.

This Article properly addresses the voluntary transfer of rights of a person who has a registered interest and court decrees, and is simply a restatement of the provisions set out in Article 39 of Law No. 142 of 1964. There will, however, be involuntary notices and charges against registered rights that must be registered without a notarized document. The project must determine the range of documents that can be registered without the sanction of a registered party and Article 39 of Law No. 142 of 1964 and Article 193 of the Executive Regulation No. 189 of 1975 will have to be amended to address these instances³¹.

The Executive Regulations also require that the registry office ensure that a document submitted by the titleholder be executed by the actual titleholder named in the registry³². This should be limited to carefully checking that the identity of the person transferring his/her interest in the document matches that of the name of the owner in the registry. Any further inquiry into the legitimacy of the transaction would be an unnecessary duplication of the responsibilities of the notary acknowledging the execution of the document.

²⁹ See also Article 181 of Executive Regulation No. 189 of 1975, which references recorded transactions that convey or acknowledge, or modify, or cancel a title and final rulings proving the same.

³⁰ This list does not include all of the types of transactions that can “change the data” in the registry. There are also involuntary transactions that do not need a notarized document from the person who has the right to assign. A notice of pending court case is an example of such a document that is not covered by Article 193, but must be registered pursuant to Law No. 142 of 1964.

³¹ A list of the most common subsequent transactions is being prepared by the technical consultants for Task 2. When this list is finalized it should be reviewed by the Egyptian legal specialist and the Task 2 legal team to identify those transactions that can be registered without a notarized document from the registered party.

³² Article 167 of Executive Regulation No. 189 of 1975.

TRANSFER OF OWNERSHIP AFTER FIRST REGISTRATION

The transfer of ownership after first registration will result from very routine transactions and from more legally complicated transactions. The simple, routine transactions can be accepted for registration administratively without an in-depth legal analysis of the transaction. There will be cases that are legally complicated such as transfers after death of the owner, divorce, bankruptcy, transfers by an attorney in fact pursuant to a power of attorney and others. It will not be enough for these complicated transactions for the registry to simply check the identity of the parties to the transaction. These transactions will have to be reviewed by a lawyer or other legal specialist to ascertain that the supporting documentation complies with applicable law.

If documentation is incomplete or inadequate for a transaction requiring legal review, a short memorandum must be provided to the person submitting the documents stating the reason that the documents cannot be accepted for registration and stating what is necessary to cure the deficiencies. These more legally complicated transactions will be relatively rare and it should not take much time at all for a legal specialist to review the documents and either accept them or recite in writing the reasons for not accepting them. Note also that most of these transactions will have been completed by experienced lawyers and the majority will be acceptable for registration.

INSTALLMENT SALES CONTRACTS

A common type of financing transaction subsequent to first registration will be installment sales contracts³³. A real estate unit that is the subject of an installment sales contract does not involve the transfer of ownership and the registered owner will remain the same. The installment sales contract will be shown as an encumbrance against the real estate unit. This is the normal procedure in jurisdictions with registration systems and the practice protects a purchaser who continues to make payments on the installment sales contract against subsequent transactions involving the same real estate unit by giving notice of the installment sales contract. If the unit is sold to a purchaser other than the installment purchaser, the new owner acquires the real estate unit subject to the rights and obligations of the installment sales purchaser.

A variant of the simple installment sale in Egypt occurs where a developer purchases land from the Ministry of Housing, Utilities and Urban Communities (MOH) on an installment sales contract and finances construction of buildings containing apartments using a blanket construction loan secured by a mortgage on the land and the building. The developer then sells units to purchasers on installment sales contracts. From the standpoint of registration these transactions are quite normal and present no difficulties for the registry office. The ownership of the land simply remains in the MOH, and the installment sales contract with the developer and the construction mortgage are registered as encumbrances against the land. As individual units are created and sold by the developer together with an agreed upon fractional share of the land upon which the apartment building has been built³⁴, the installment sales contracts with the purchasers are also memorialized as

³³ These are common where the Ministry of Housing, Utilities and Urban Communities sells land to developers and are also frequently used when developers sell apartments to individual purchasers.

³⁴ It is not necessarily the case that the land will also be a part of such a transaction, but for the sake of this example, and the next describing mortgage financing we will assume that it is.

encumbrances against the respective apartment real estate units and the land real estate unit. When all payments to the developer have been made on the apartment, and assuming the developer has paid off the installments to MOH³⁵ for the land as agreed, ownership of the land is transferred to the developer who then transfers ownership to the apartment purchaser for the apartment real estate unit and the agreed upon fractional share of the land. A release of the construction mortgage is obtained and annotated in the registry for the apartment real estate unit. This results in a *Sahayfa Akariya* for the real estate unit and fractional share in the land showing the apartment purchaser as owner with no encumbrance for either installment sales contract or the construction mortgage.

These types of financing transactions can occur with countless nuances that cannot all be described in this Report. It is enough here to state that these transactions are not difficult for the registration system to handle as long as the facts of the situation are known. Appendix 5 lists several variations and shows how the registry office would deal with them.

MORTGAGE FINANCING

An alternative to the installment financing transaction in the preceding section occurs where the ultimate apartment purchaser uses mortgage financing to purchase the apartment. Mortgage financing is less conducive to developer embezzlement than installment financing³⁶. Assume that a real estate unit is owned by the MOH, subject to an installment contract with the developer and a construction mortgage. The *Sahayfa Akariya* would show that the MOH is the owner and the installment sales contract and the construction mortgage would be listed as encumbrances. An apartment purchaser using mortgage financing would use the proceeds of the mortgage to pay the developer in full up front and would require that the developer obtain a conveyance from the MOH. The developer would, in turn, execute a conveyance to the apartment purchaser and obtain a release of the construction mortgage for the apartment³⁷. The transaction would result in a *Sahayfa Akariya* listing the apartment purchaser as owner of the apartment subject to the purchase money mortgage, but free of the installment sales contract to the developer and the construction mortgage. In this case the apartment purchaser need not rely on the developer to make payments on the developer's financing. The MOH, the developer and the construction mortgage lender have all been "taken out" using the proceeds from the mortgage financing for the purchase of the apartment.

³⁵ In practice there is a problem here, because the apartment purchaser has no way of knowing whether the developer is paying off the first installment contract on the land with the MOH. There is great opportunity for fraud in these transactions, because the developer might collect all the proceeds of the installment contract with the apartment purchaser and abscond with the proceeds without paying off the MOH. There are rather simple ways of protecting apartment purchasers, but it is beyond the scope of this Report to deal with these types of transactions other than to show how they are handled in the registry office.

³⁶ Hala Adel Bassiouni, Chief Executive Officer of the Egyptian Housing Finance Company, in a meeting on October 11, 2005 described the situation that presently exists in Egypt where developers sell on installment contracts to apartment purchasers and do not obtain releases of construction mortgages for apartment units. She noted that where the apartment purchasers finance their purchase using mortgage financing the purchasers can protect themselves from dishonest developers.

³⁷ The purchase money mortgagee, such as the Egyptian Housing Finance Company, would be very familiar with this type of transaction and would assist the apartment purchaser in getting the proper documentation to clear the rights of the MOH, the developer and the construction lender from the real estate unit. The development of effective closing procedures, perhaps using escrow agents, would significantly reduce the opportunities for fraud that presently exist in Egypt.

TRANSACTIONS IN GENERAL

Subsequent transactions will require that the registry office check the registry and determine that submitted documents are eligible for registration. If a document transfers a right, this will involve determining that the transferor has a registered interest. There will be documents that can be registered without the approval of persons having a registered right. The majority of transactions will be routine and will present no problems for the registration office, but there will be transactions that require legal review. These, however, should not ordinarily present problems. Some of the financing methods that have developed in Egypt may appear to be complicated, but from the standpoint of the registry will be easily handled in the normal course. It is essential that the *Sigueal El-Ainee* system be useful and convenient to persons engaging in real estate transactions if it is to serve the purpose for which it will be implemented. This would certainly require that potential purchasers, mortgagees, lessees, and others be able to use the system to obtain the title information that they need.

PUBLIC ACCESS

Public access to information in the registry is one of the cornerstones of an effective registration system. Prospective buyers, lenders, investors, and others should have convenient and low cost access to the register to verify the status of title. They should also be able to obtain abstracts of the register or certificates verifying the status of title as of a certain time.

Law 142 does not currently allow for the necessary level of public access. Article 6 limits access to judicial authorities and their representatives. Article 59 stipulates that only owners and “concerned persons” can obtain certificates. These Articles will have to be amended to allow increased access to the registry so that the public can independently verify the status of title.³⁸

9. CONCLUSION

The decision of the GOE to test models for the implementation of *Sigueal El-Ainee* is a commitment to regularize the real estate records to encourage economic growth. The law and regulations provide a reasonably clear framework to accomplish this. However, practices will have to be modified to implement *Sigueal El-Ainee* using a systematic approach. The immediate objective is to test practical methodologies and to institutionalize successful approaches through amendments to the law and regulations. But the GOE need not wait for legal reform to test methodologies.

In this report we have described the present state of the law and practice and suggest innovations that will assist in rapidly and efficiently registering ownership and other rights and organizing the records in a manner convenient for the support of a real estate market, including the development of real estate based financing. The desired and expected result in implementing *Sigueal El-Ainee* is, of course, that the registry accurately reflects titles as they exist so that the registry can be relied upon by all who need the information. We suggest that this can be accomplished by using

³⁸ We note that Articles 132 and 133 of the Executive Regulations seem to grant broad public access to the registry. The Law should be amended so that it is consistent with Articles 132 and 133 of the Regulations.

general index maps limiting the geographic detail, focusing on rights, and using practical methods for determining those rights.

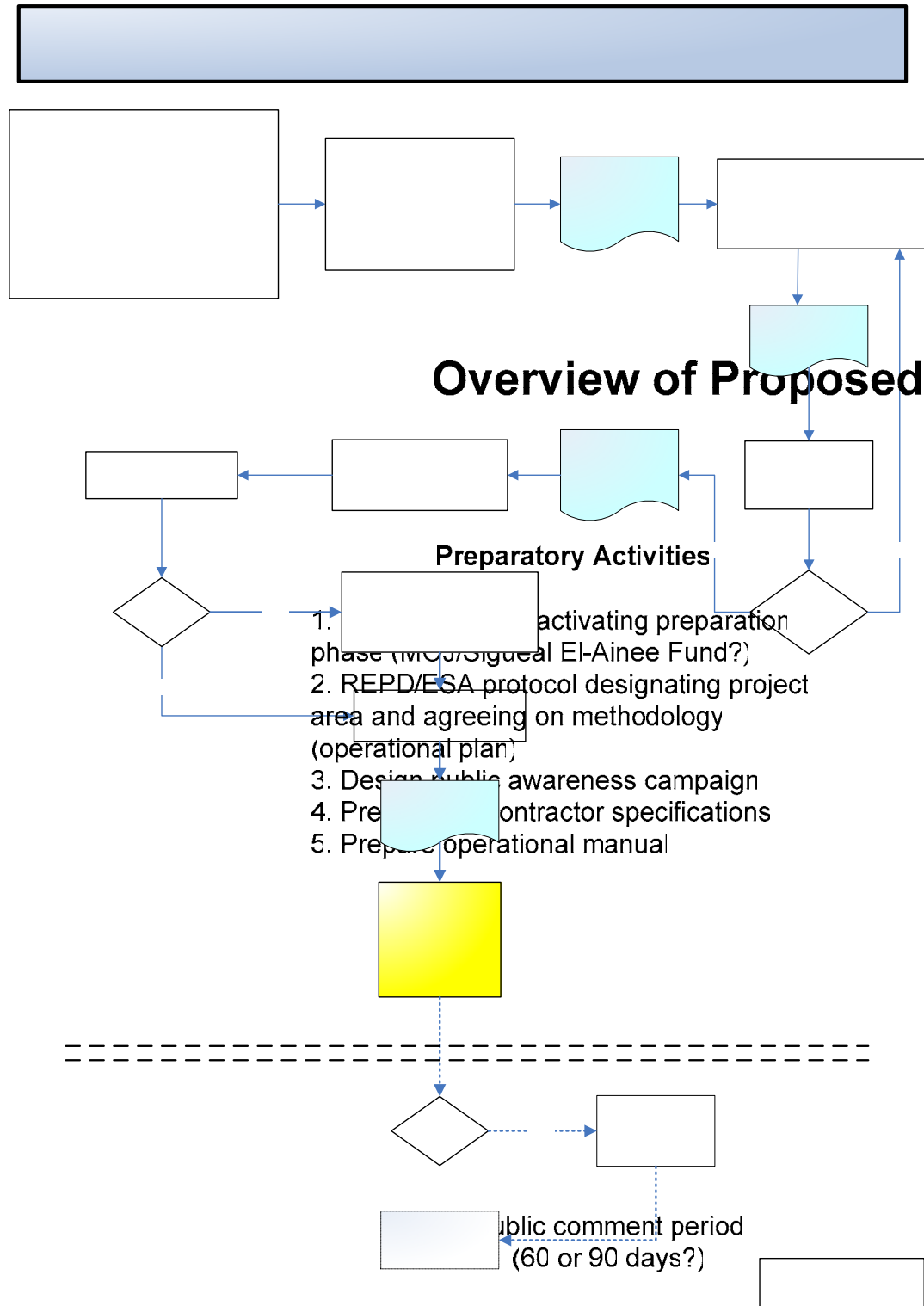
The recommended procedures are not revolutionary and reflect proven international approaches, including practices that rely on relatively recent developments in technology.

10. LIST OF APPENDICES

- 1) Chart: First Registration Workflow Proposal
- 2) Memo: Fund Siqueal El-Ainee
- 3) Memo: Fees for First Registration and Subsequent Transactions
- 4) Form: Proposed Sample *Sahayfa Akariya*
- 5) Memo: New Communities Registration
- 6) Memo: Outline Proof of Rights
- 7) Table: Law No. 142 of 1964 (Siqueal El-Ainee) with Comments
- 8) Table: Executive Regulation No. 189 of 1975 with Comments
- 9) Table: Instructions with Comments

11. APPENDICES

Appendix 1: Chart: First Registration Workflow Proposal



Appendix 2: Memo: Fund Sigueal El-Ainee

MEMORANDUM

TO: DOUGAL MENELAWS

FROM: RICHARD GAYNOR

CC: JUSTIN HOLL, NOEL TAYLOR, SERGIY LIZENKO,
PETER RABLEY

DATE: OCTOBER 26, 2005

SUBJECT: SIGUEAL EL-AINEE FUND

Following is some additional information I obtained today from Mossad regarding the Sigueal El-Ainee Fund.

Presidential Decree No. 401 of 1979 governs the activities of the Board. Mossad described its general content to me.

The Board consists of:

Chairman, First Assistant to the Minister of Justice:	Isam Husain
Assistant to the Minister of Justice:	Farouk Awad
Head of REPD:	Mohamed Zainhum
Assistant Secretary General of REPD:	Umar Ismail
Acting Head of Central Dept. for Surveying Regions (ESA):	Eng. Zaki Nammar
Head of Sigueal El-Ainee in ESA	Eng. Usamah Fawzi
Head of Real Estate Taxation Department:	Ismail Abdil Rasul
Vice President of State Council	Unknown
Two Experts Appointed by Minister of Justice:	Councilor Mamduh
Raghib	Abdil Alim Ar
Rudaini	

(Former Head of REPD)

The director general (chief executive officer) of the Fund is the Head of REPD, now Mohamed Zainhum.

The Board is charged with approving annual budgets, and reviewing reports regarding implementation of Sigueal El-Ainee.

There is currently approximately 70M LE in the Fund. 30M LE of that was committed this past April/May to a project to automate Sigueal El-Ainee in rural areas. The 30M was committed according to a joint protocol signed by the Fund, ESA and the Ministry of Telecommunications and Information whereby ESA committed an additional 30M LE and the Ministry of Telecommunications committed 60M LE.

Allocations from the Fund are based on proposals to the Board, which must be approved by the Board and the Minister of Justice.

The Board meets quarterly. Chairman Hishem of ESA participated in the last meeting although he is not formally a member of the Board. The next meeting of the Board is due sometime this fall but has not yet been scheduled.

The Board produces an annual plan for its fiscal year (July 1 to June 30). Mossad tells me that in practice the Board actually prepares quarterly plans. The next one is due this November but is apparently lagging behind schedule. As a practical matter, the plan is initiated by ESA's proposed designation of areas in which to introduce Siguel El-Ainee.

The Board has the power to set up committees of experts and technicians to achieve the objectives of the Fund.

I'm not sure what all this means for us except that maybe the Board could function as an advisory committee to Task 2 -- it already exists, its mission is to implement Siguel El-Ainee nationwide, its members represent our main counterparts (with a couple possible exceptions, including MSAD), and it has the power to form technical advisory committees on issues like public awareness, mapping, automation, finance, and law. Perhaps a proposal could be made to the Minister of Justice to officially designate the Board as a Task 2 advisory committee.

Appendix 3: Memo: Fees for First Registration and Subsequent Transactions

MEMORANDUM

To:

From:

Date:

Re:

The issue of registration fees came up the other night during my presentation to the MFA and I thought it might be useful to summarize the EFS project's findings on international best practices and our observations regarding registration fees in Egypt. In talking about registration fees, we distinguish between fees for initial registration and fees for registration of subsequent transactions.

As you know, registration fees in Egypt are presently charged as a percentage of the value of a transaction, and can be as high as 3%. There is no distinction made between initial registration and registration of subsequent transactions, except that Law No. 142 of 1964 (Sigueal El-Ainee) provides incentives for first registration by reducing fees by 50% (i.e. to 1.5% of the value) if an application or a settlement form is submitted within the stated two-month time frame.

Experience with the introduction of Sigueal El-Ainee in rural areas has shown that even after the 50% fee reduction the fees were a significant disincentive to registration. When property owners weighed the costs of registering (both in terms of time and money) against the perceived benefits of registration, many if not most of them decide not to register. The result was that the register assembled during the introduction of Sigueal El-Ainee in rural areas was, in many cases, incomplete or inaccurate.

We understand that the Government is considering reducing fees by replacing the 3% fee with a flat rate fee that would be payable both for first registration and for registration of subsequent transactions. We believe that the Government should consider this carefully because international experience suggests that there should be a distinction between first registration and subsequent transactions.

Countries that have recently introduced title registration systems have discovered that charging anything other than a nominal fee for first registration can cause first registration to fail. This is because even a flat rate fee for compulsory first registration, is an involuntary, unrecoverable cost for the owner and hence a disincentive to registering title. Subsequent transactions, on the other hand, especially sale/purchases, are voluntary and the parties can factor the registration fee into the economics of the deal. It is customary internationally to charge a fee and a transfer tax for transactions subsequent to first registration. The registration fees for these subsequent transactions, even at 3% of the value of the property, constitute a relatively minor cost for the parties.

Experience internationally has also shown that governments that invest in first registration (by not charging fees or by charging very low nominal fees), more than recover their investment through subsequent revenues. Subsequent revenues that can be attributed to successfully conducting first registration include increased fee collection on subsequent transactions, increased property tax collection, and economic growth through real estate finance, which also generates revenue to government.

To summarize, based both on international experience and experience in Egypt, the EFS project recommends against charging a fee for first registration even if it is a flat fee. Government should invest in first registration (whether directly or through donors or a combination), and should expect to recover the investment through fees for subsequent transactions and other sources.

Appendix 4: Form: Proposed Sample *Sahayfa Akariya*



Sahayfa Akariya

№ 2005784674

Date printed	01/11/2005	Governorate	Al Qahirah
Registration Office	Nasr City, Cairo № 6376	Cadastre №	CNS100044
		Parent Cadastre №	-

Property Section

Type:	Land Parcel
Approximate Area:	0.513 hect.
Use Type:	homestead
Address/Description:	23 Al Sudan St., Dokki, Giza, Al Qahirah
Status:	Active

Ownership Section

#	Owners	Contact address	Source of Right
1	Abdula Abdel Muctabar Citizenship: Egypt	4, Al Sudan St., app. 234 01346, Dokki, Giza, Egypt	Registered on 23/03/2004 under № 121679. Document by Nasr City RO is Transfer by Inheritance, № 008948321, dated 15/03/2004.

Encumbrance Section

Property is subject to the interests shown by the following memorials and to the following rights and encumbrances:

1. Parcel cannot be subdivided.
2. All rights in public passage upon the land.
3. No right of water expropriation.

Memorials

Type	Transaction	Description
Mortgage	On 27/10/2005 № 122332 Status: pending	Document is Mortgage Agreement, № ND6375, and issued on 05/09/2004 by Nasr City Commercial Bank. Mortgagee: Nasr City Commercial Bank Mortgagor: Abdula Abdel Muctabar Value: 100 000 LE Description: 1 year, 10%

State Registrar
Hemeda/

of Titles _____/Hassem

Appendix 5: Memo: New Communities Registration

REGISTRATON IN NEW COMMUNITIES

The following legal principles will guide registration in the new communities:

- (1) Every real estate unit (land, building or apartment) has an owner;
- (2) Any right other than ownership (e.g., an installment sales contract, mortgage, lease, or easement) is an encumbrance;
- (3) Egyptian law allows for the possibility that land and a building on that land can be separately owned;
- (4) Egyptian law allows for the possibility that land and apartments on the land can be separately owned.

These principles are applied to the following scenarios by way of example. There are an infinite number of possible scenarios. Each case will require application of these principles to the facts in order to determine the appropriate result of registration.

Scenario	Registration Result
Ministry of Housing, Utilities and Urban Communities (MOH) sells land to Developer by installment contract, final installment not yet paid, no building built and no units sold	<u>Registration of land</u> Owner = MOH Encumbrance = Installment contract in favor of developer
Same as above except the building has been completed, but no units have been sold	Egyptian law allows for separate ownership of land and buildings. Therefore there would be two real estate units, the land and the building. <u>Registration of land</u> Owner = MOH Encumbrance = Installment contract in favor of developer <u>Registration of building</u> Owner = developer
Same as above except the Developer has sold units by installment contracts to purchasers who have not yet paid the final installments	<u>Registration of land</u> Owner = MOH Encumbrance = Installment contract in favor of developer <u>Registration of Units</u> Owner = Developer Encumbrance = Installment contract in favor of unit purchaser

Scenario	Registration Result
MOH sells land to Developer by installment contract, final installment not yet paid, Developer obtains construction loan, mortgaging his interest in the installment contract to the bank, Developer defaults on loan repayment, no units sold	<u>Registration of land</u> Owner = MOH Encumbrance = installment contract in favor of developer; developer's interest in installment contract is subject to mortgage to bank
Same as above except Developer has pre-sold units to purchasers by installment contract, final installments not yet paid	<u>Registration of land</u> Owner = MOH Encumbrance = installment contract in favor of developer; developer's interest in installment contract subject to mortgage to bank <u>Registration of unit</u> Owner = developer Encumbrance = installment contract in favor of unit purchaser
MOH has transferred land to Developer, Developer mortgages land to bank for a construction loan, Developer has sold units to purchasers by installment contracts which have not been finally paid, and Developer has defaulted on the construction loan	<u>Registration of land</u> Owner = Developer Encumbrance = mortgage in favor of Bank <u>Registration of unit</u> Owner = Developer Encumbrance = installment contract in favor of unit purchaser

Appendix 6: Memo: Outline Proof of Rights

PROOF OF OWNERSHIP TO SUPPORT REGISTRATION SIGUEAL EL-AINEE INSTRUCTIONS

APPLICATIONS

RECORDED DOCUMENTS

- 1) Recorded Documents
- 2) Death before Jan. 1, 1947
- 3) Documents before 1924 (provided no contradiction with documents of the original owner)

REQUEST TO RECORD DOCUMENT

- 1) Possession of unrecorded ownership document for a long period of time
- 2) Possession per Civil Code
 - fee 1% of value
 - tax records that prove that the building was included in the tax obligations of the person or predecessor for 15 years
 - present tax obligation of applicant
- 3) Publish in daily paper 15 days before investigation
- 4) Field verification enquiry:
 - possession
 - duration
 - cause of possession

SETTLEMENT FORMS

INFORMAL CONTRACTS

- 1) Trace the owner who has tax obligations
- 2) Enough to include the parties of the last contract
- 3) Ownership may be recognized based on adverse possession
- 4) Field verification gathering statements of the parties concerned, neighbours, senior officials, and those questioned

- 5) Compare with recorded documents
- 6) Fee paid for last informal contract
- 7) Last informal contract only (no need to attach series to settlement form)
- 8) Testimony: true and correct copy of original last contract
- 9) If difficult to present copy of last contract statement testimony is sufficient
- 10) No signature authentication for prior parties necessary
- 11) Party favored by ruling must sign and be in possession
- 12) If part State property is claimed State body must sign (if body not party to last informal contract attach seal)
- 13) Fees paid
- 14) Authentication of signatures of concerned parties

Appendix 7: Table: Law No. 142 of 1964 (Siguel El-Ainee) with Comments

Art.	General Content	Amend Yes/No	Comments
1	Registry is a number of pages stating the premises and the legal status thereof.	No	
2	REPD shall undertake all the operations of the registry.	No	
3	Registry offices have exclusive jurisdiction for recording documents.	No	
4	A registry is established for each cadastral zone and has a record for each real estate unit. Minister of Justice establishes cadastral zones within cities and villages by decree. Registry is to be kept in accordance with Executive Regulations.	No	
5	Each registry is to keep an alphabetical index of owners' names indicating all units owned by each owner.	Maybe	The obligation to keep an alphabetical index in a title system imposes unnecessary work on the registry. The work is not difficult if the registry is computerized, but if it is not, perhaps this requirement should be deleted from the law.
6	Original documents cannot be relocated from the Registry, but judicial authorities and their representatives can have access.	Yes	The Law needs to be amended to allow for public access to information in the Registry. The public must be able to independently research the title to a particular real estate unit. See also Articles 58 through 61 which set out procedure whereby Cadastral Forms and Certificates can be obtained from the Registry. Law seems to make

Art.	General Content	Amend Yes/No	Comments
			certificates available only to owners and “concerned parties” (meaning someone with a legal interest in the property). This should be broadened to allow anyone to obtain a certified copy or extract of the information in the register.
7	Registration of transactions is subject to rules governing fees.	No	
8	Law defines “real estate units” as: A plot of land with unified ownership Mines or quarries Public utilities The Minister of Justice may change the definition of “real estate unit” through a ministerial decree.	Yes	This is not an adequate description of a real estate unit for several reasons: (1) it does not recognize that buildings or parts of buildings (apartments) can be recognized as real estate units; (2) does not seem to allow for rights that cover only a portion of a parcel, such as servitudes, covenants and restrictions and even leases and mortgages; (3) the term “public utilities” is not sufficiently defined. A plot of land being used for public utilities is not necessarily a separate legal parcel. It could be an easement over a privately-owned parcel.
9	Minister of Justice may by Decree designate a residential area or other area as a “real estate unit” for which a sub-registry would be kept. The sub-registry must include an alpha-index.	Yes	The creation of a sub-registry is inconsistent with true real estate registries, which would ordinarily have a page for each parcel indicating only those records that presently affect the parcel. The registry would index all such properties by parcel rather than by name.
10	All real estate units shall be numbered and each should have its cadastral form (sahayfa).	No	Good provision requiring that there should be a separate page (sahayfa) for each real estate unit.
11	Rights cannot be registered unless they have legally recognized foundation. If rights are based on a court verdict, the verdict itself must be previously registered.	Maybe	The law is not entirely clear on what the legally recognized bases for registration will be. For first adjudication the standard will have to be somewhat flexible. This Article may have to be amended to allow for flexibility, depending on how it is interpreted by local lawyers.

Art.	General Content	Amend Yes/No	Comments
12	Statements in the Register are derived from the “survey book,” the “tax book,” previously registered transactions or “settlement forms” under Article 19.	Maybe	This list seems to elaborate on Article 11 by listing the acceptable foundations for registration. For purposes of first “adjudication” this might mean that we have to get a settlement form in every case in which one of the other bases for registration does not exist.
13	Rights may be based on adverse possession if they do not contradict a registered document.	Maybe	A party in possession should have the opportunity to prove its rights to the property even as against registered documents. This will be especially important during first adjudication because it will frequently be the case that the physical and legal realities contradict registered documents. Note, however, that Article 14 allows the REPD to adjudicate contradicting registered documents, and Article 19 allows for use of a “settlement form” to establish ownership based on possession. Note also that Article 37 prohibits adverse possession in contradiction with the registry. Article 38 allows exception to Article 37 for 5 years after Ministerial Decree announcing Sigueal el-Ainee. Bottom line is that Law should probably be amended to allow adverse possession even if it is contrary to the register.
14	REPD has authority to decide rights in the event of contradicting evidence, i.e., REPD may adjudicate. A report on the REPD’s findings should be made part of the cadastral form.	No	The Law should include a procedure in cases in which ownership cannot be determined by the record. This could be an administrative process based upon affidavit and proper notice to persons holding potentially competing claims.
15	The record of each real estate unit shall specify the natural boundaries of the unit, and the names of neighboring owners.	Probably	Unclear how literally this will be interpreted. The Law should say that the record shall include a legally adequate description of the property that allows it to be identified.

Art.	General Content	Amend Yes/No	Comments
			That will not always include a description of boundaries, natural or legal, but might be as simple as a reference to a map. Also, the record for one unit should not include the list of owners of adjacent units. They are listed in the records of those units.
16	REPD is to mark the boundaries of all real estate units.	Yes	The obligation to mark boundaries of all real estate units should be loosened. Marking will not be practical in the urban setting, especially for apartments.
17	Occupants must give officials access to the property for surveying and marking boundaries.	No	
18	Documents relating to real estate rights that do not contain the signature of a deceased person receive a 50% fee reduction if they are registered within 2 months of the date of the decree bringing an area into the registry.	Yes	It appears that this section, especially the 50% fee reduction, was intended as an incentive to have persons register their units during first registration. The implication is that an owner claiming based on a document that was not signed by a deceased person must apply for registration and can pay a reduced fee. In the context of first registration, there should be no fee, there should not be a need for an application, and there should not be a two month limit. The Law should be amended accordingly.
19	In cases in which documents were not registered for transactions involving: <ul style="list-style-type: none"> ▪ exchange of estates, ▪ adverse possession on partitioned estates, and ▪ other cases in which possession or actual occupation has not been legalized in registered documents, the concerned parties can regularize their rights by a “settlement agreement” among concerned parties within two months of the decree of the Minister of	Yes	Again, seems like this provision is for first registration only. It will be critical to any attempt to regularize title during first registration because it gives REPD a very broad right to formalize off-record rights if agreement of the parties can be obtained within the two month window. The two month window should be broadened, since experience has proven that 2 months is too short. Will also need to amend law to eliminate 50% fee in first registration.

Art.	General Content	Amend Yes/No	Comments
	Justice bringing an area into Sigueal El-Ainee. Fee for registration of settlement agreement is reduced by 50% if adverse possession is at least 5 years. prior to 1964.		
20	Establishes rules for publication of Ministerial Decree starting first registration as well as publishing preliminary information for comment. Detailed procedures are in the Regulations. Also requires that notice be sent to concerned parties.	No	Notification should be more extensive than that required by Law.
21, 22	Requires the establishment of a three member "judicial committee" for each cadastral zone, including chief magistrate as chairman, a legal member and an engineer. Committee has exclusive jurisdiction for consideration of claims and applications for the first year after implementation of Sigueal el-Ainee in an area. Minister of Justice names the committee. Minister of Justice can extend the year by another year.	Maybe	These Articles need to be discussed with counterparts to verify that first registration can be "closed," in the sense that sahayfa akariya can be issued, before expiration of the one-year period during which the judicial committee has exclusive jurisdiction. There is nothing in the Law that would prohibit this but in rural areas sahayfa akariya were not issued until the one-year period expired (even when extended by another year). This should not be the approach in urban areas. Project local legal counsel suggests that the judicial committee should be formed in every governorate rather than in every cadastral zone
23	Decisions of the judicial committee are final if: all parties agree to modification of the registry modification does not affect any of parties' amount in dispute does not meet minimum financial jurisdiction of court of first instance.	No	
24	Decisions of adjudication committee may be appealed except for those described in Article 23.	No	
25	There are no fees assessed for consideration by	No	

Art.	General Content	Amend Yes/No	Comments
	the adjudication committee unless there's an effort to avoid other fees by submitting a matter to the committee.		
26	All transactions creating modifying or terminating an "original" right to real estate must be registered including final judgments, waqfs (religious endowments), and inheritances. If not registered, a transaction does not establish, transfer or terminate any rights as between the parties or with respect to third parties. Unrecorded transactions have effect of "personal obligations" between the parties.	Probably	There are certain rights that might be created or terminated by operation of law whether or not they are registered. An example under American law is a mortgage which terminates by law when the entire obligation has been satisfied. The lien is gone upon payment and a satisfaction needs to be recorded only to clear the record. Articles 26 and 29 seem to make a distinction between "original" in rem rights and "subsequent" or "subordinate" in rem rights. The distinction is not clear, nor is the reason behind it. The consequence, however, is that an unregistered "subsequent" right does not even have the status of a personal obligation. This distinction should be discussed further to fully understand whether the rationale behind this different treatments is justified.
27	All dispositions and final judgments relating to the "original" in rem right must be registered or they have no effect vs. the parties or third parties. Also requires registration of all divisions even if division is according to will or inheritance.	Probably	Strictly speaking the same provision in the third paragraph of Article 26 should be included in Article 27. The word "division" in this article might be ambiguous – does it mean parcel subdivision or division of ownership, for example, into shared rights? If two or more people own a share in a unit of real estate can one of the persons register his share if all the shares are not registered?
28	All use rights and leases that exceed nine years, and all payments of rent that exceed three years, must be registered.	No	If an owner leases premises for 10 years and the lease is not registered, and subsequently the owner mortgages the premises and then defaults, presumably the premises can be sold in foreclosure free and clear of the lease and this would presumably be true even if the lessee was in possession of the premises.

Art.	General Content	Amend Yes/No	Comments
29	All subsequent transactions creating, transferring or terminating a real estate right must be registered or they do not have legal effect as between the parties or against third parties.	Probably	See comments for Articles 27 and 28.
30	Rights of inheritance related to real estate must be registered. Heirs do not have authority to transact until their rights are registered. Registration of an inherited right is free of charge for 5 years after death. With respect to existing inheritance rights, the 5 year period starts to run when the property is brought into Siguel el-Ainee system.	No	
31	Documents establishing an “ordinary” debt of a deceased must be registered. If they are registered within one year of registration of the devolution of the property to the heir, then the creditor gets priority over someone who might have bought the property.	Probably	Under Egyptian Law, unlike US law, the unsecured, general debts of a deceased become secured debts of the deceased upon death. According to this Article, if a creditor registers the debt against the property within a year of the devolution of the property to the heirs, the creditor would take priority over a subsequent good faith purchaser. From a practical standpoint, this means that title to inherited property cannot really be cleared for a year because unsecured creditors of the deceased can emerge at any time during that year.
32	Initiation of a court proceeding involving real estate requires registration of a lis pendens and the court proceeding cannot be accepted without a certificate verifying registration of the lis pendens.	Maybe	Local lawyers say that the case may be initiated before registration but the case will not proceed until it is registered. Also, local lawyers recommend simplifying this Article by not requiring that the document not require a request to change the title registry data, because the filing of a lawsuit implicitly involves a request for changing the data.
33	Seems to say that lawsuits in process when	Maybe	It should probably be the case that all pending lawsuits will

Art.	General Content	Amend Yes/No	Comments
	Sigueal el-Ainee comes into effect in an area are stopped unless parties submit certificate of registration of lis pendens.		be entered into the registry upon first registration. This will require coordination with the courts during first registration. As long as lawsuits are noted in the registry there is no need to stop them.
34	Final verdicts involving real estate must be registered.		
35	Registration of a final court verdict can take place within 5 years of the date it becomes final. If it is registered within the 5 years, it takes priority over subsequently registered rights.	Maybe	Perhaps this is not a problem because Article 32 requires registration of a court proceeding before the court can accept the case. This means that someone dealing with a property will have notice that there is a court case, even if the final judgment is not yet registered. It would be up to that person to ascertain the status of the court case before dealing with the property.
36	Declaration of intent to exercise a preemptive right must be registered and once registered has power of res judicata.	Maybe	The procedure for how preemptive rights are exercised is described in the Civil Code. From a practical standpoint it is difficult for someone dealing with property to verify that all preemptive rights have been waived. It's unclear whether the registration law can offer any solution to this problem.
37, 38	The Sigueal el-Ainee register has the power of authenticating statements included in it. Adverse possession is not effective against a registered right, except for cases of adverse possession brought within five years of bringing land into Sigueal el-Ainee.	Probably	The Law should allow for the possibility of adverse possession against registered rights.
39	No changes may be made in the registry except based on notarized documents signed by the person with authority to transact in the rights being conveyed, or according to a court verdict, or a decision of the judicial committee.	Maybe	The registrar should have the power to correct minor, obvious errors where registered documents clearly show the error and he should be able to correct typographical and ministerial errors so long as the correction will not adversely affect registered rights.

Art.	General Content	Amend Yes/No	Comments
	Head of registry has the right to correct mistakes in the register either on his own initiative or on the initiative of an applicant up until time registration has occurred. Can only make corrections after registration if notifies all affected parties of any change.		Also the Article should state a time period within which the concerned person can challenge the correction.
40, 41	Owners of real estate must notify the registry of any changes in the real estate units such as adding, modifying or demolishing buildings. Unreported changes that are discovered later are subject to a fine of .5% of the value of the property, not to exceed 100 LE and not less than 10 LE. Secretary has the authority to wave fines.	Yes	There is no need for the registry to be notified of additions, modifications or demolitions of buildings, unless the change amounts to the creation, alteration or elimination of a "real estate unit."
42	Concerned party may petition the court to remove security interest on inherited property or lis pendens from the registry.	No	
43	Anyone whose rights are changed or terminated must be notified via registered mail, return receipt.	Maybe	Persons whose rights are going to be affected should be notified and given the opportunity to challenge.
44	If a right is terminated and then reinstated, the right shall retain its original priority except against entries made between the time of the termination and reinstatement.	Maybe	This provision preserves the integrity of the registration system, but the damaged party whose "cancelled termination" of right is now subordinate to intervening entries must have some recourse, if the termination was due to an error of the registry. The obliteration was certainly made in the first place having given proper notice under Article 39 to the person whose right was obliterated and therefore this person should not be protected. The problem is that Article 39 only refers to "correction of errors". On its face, then the Article would only require notice for a correction, but not for a change or invalidation by virtue of an entry, obliteration or annotation. This is a

Art.	General Content	Amend Yes/No	Comments
			problem. No change should be allowed to the record without giving notice to the person whose rights or interest will be changed without first giving notice and providing a time frame within which the person can challenge the change.
45	Process of recording, changing or correcting the register shall be based on the application of the concerned parties or their authorized representatives in accordance with procedures established by Executive Regulations.		The term “concerned persons” is ambiguous. The Law should also allow for registration based on application by court, and, in some cases, the registrar. Application will not always be by the “concerned party.”
46	Applications must be submitted in the RO with jurisdiction over the real estate unit.	No	
47	Attached to the application shall be the “cadastral form” and supporting documents. Applications are recorded in a log book according to the time and date of their submission and each application is given a serial number. The progress of the application is shown in the log book.	Yes	There should not be any need to attach the cadastral form to an application because the original cadastral form is held in the registration office. The original is the only legally binding version. Might want to introduce some flexibility to the “log book” once system becomes more automated.
48	The only acceptable proof of rights registered in Sigueal el-Ainee register is the “cadastral form” or a certificate issued by the registry.	No	
49	An application expires if it is not entered into the registry within one year from the date of its submission. One-year period may be extended for a second year if applicant applies for the extension and pays extension fee.	Yes	An application should never “expire.” It should either be accepted or rejected. The year period is much longer than should be necessary to the review data from field visits and make entry in the registry or reject the claim. It is essential for systematic registration that the process of evaluating applications be completed in a very short time.
50	Multiple applications relating to the same real estate unit must be processed according to their	Maybe	In practice, REPD reads this to mean that consideration of the second application cannot begin until there’s been final

Art.	General Content	Amend Yes/No	Comments
	priority.		resolution of the first application. The rationale for the language having to do with the lapse of time not to exceed 7 days" is unclear. This needs to be explored further.
51	If a prior application cannot be completed because the applicant fails to cure a deficiency within 15 days of being notified, the Secretary may issue a decree skipping the priority of the prior application.		
52	An applicant whose application is rejected may, within 10 days of notification of the rejection, request entry in the registry upon payment of fees and posting a "bond" equal to .5% of the value of the obligation, provided that if the bond does not exceed 10 LE, the decision is final. In case of an appeal, the matter is referred to the adjudication committee. Consideration of subsequent applications is suspended pending resolution of the appeal.		
53	Adjudication Committee is to issue a decision promptly.		The last paragraph states "The committee decision may be challenged by any challenge method whatsoever." This is certainly too broad and I suggest that the phrase "allowed by law" be added.
54	If Committee accepts registration then document gets priority according to entry into the application book.	No	
55, 56	The secretary may refuse registration if an application does not meet the required conditions. Rejection must be made in writing with statement of reasons for rejection. Applicant has two weeks in which to contest the rejection or it is considered	No	

Art.	General Content	Amend Yes/No	Comments
	final. Appeal is sent to judicial committee, which must issue its decision promptly.		
57	Applications are given serial numbers in the application book and are dated. Entries in the registry are done in clear writing.	Maybe	Might need to amend this Article to allow for computerized records. Depends on interpretation of how entries are made in application book and in registry.
58	Each owner and co-owner shall receive a copy of the "cadastral form" (al sahayfa al akariya) which shall be referred to as the "title deed" (sanad al mulkaya). Owner has to pay 100 piasters.	Maybe	The Law distinguishes between "cadastral forms" and certificates described in Articles 58-61. The cadastral form is only given to the "original" owners(s). Subsequent owners receive certificates. Ideally, anyone who wants should be able to receive a copy of the information in the registry. The registry itself is the only legally binding record. Also, where the property is owned jointly each owner will receive a copy of the
59	"Concerned parties" other than the owner can receive "certificates" (shehada) showing the information in the registry.	Yes	Anyone who requests one should be able to obtain a certificate showing the information in the registry.
60	Additional copies of the "cadastral form" (sanad al mulkaya) and certificate (shehada) may not be issued except if the first copies are lost or damaged, and this can only be done by decree of the judicial committee.	Yes	The cadastral form and certificate should not be invested with so much legal meaning. The registry itself is the legally binding record. Certificates should be issued to anyone at any time for payment of the required fees.
61	Secretary must at any time issue a "certificate of authenticity" authenticating the "cadastral form" or certificate issued under Articles 58 and 59.	No	
62	Demarcation markers are owned by the State. Anyone who tempers with a marker is liable for its replacement.	No	
63	Governorates and organizations supervising municipal works shall notify the registry each	Yes	The only time notification to the registry is necessary is in the case of creation, alteration or elimination of a real

Art.	General Content	Amend Yes/No	Comments
	month of any construction or demolition permits and new real estate taxes.		estate unit. Construction or demolition that does not affect real estate units need not be reported to the registry.
64	Competent authorities must provide information to the registry within 20 days of request by the registry or as required by law.	No	This provision could be used to “force” uncooperative agencies to surrender information to the REPD for first registration activities. But note that the penalty imposed by Article 66 (10 LE) is pretty low.
65	Penalty for intentionally defrauding the registry is imprisonment and a fine not to exceed 500 LE, without prejudice to any other penalties imposed by other laws.	Yes	Penalty for fraud should also include any actual damages. If that is not covered by other laws such as the civil code, penalties in this law should be increased.
66	Penalty for violating Article 63 or 64 is no more than 10 LE, though that can be multiplied for multiple offenses.		

Appendix 8: Table: Executive Regulation No. 189 of 1975 with Comments

Art.	General Content	Amend Yes/No	Comments
1	Establish an Administration called "Sigueal El-Ainee Management" in REPD. Prepare Instructions, plan and implement training, make necessary procedures for publishing, handling and advertising for Sigueal El-Ainee, Investigate difficulties facing province and district offices, investigate appeals and disputes raised by concerned persons.	NO	This Article is good because it gives the Sigueal El-Ainee department authority to issue Instructions and otherwise take actions necessary to implement Sigueal El-Ainee. Thus, operational instructions can be promulgated below the Ministerial level.
2	Province and district offices implement Sigueal El-Ainee in areas covered by decree of Minister of Justice. These offices are considered Sigueal El-Ainee Offices.		
3	Sigueal El-Ainee District Office shall investigate requests and drafts of the publicized written materials submitted to it from concerned parties and review their legal aspects. ESA District office associated with it shall investigate these requests from a surveying point of view. Sigueal El-Ainee district office shall approve the validation of these drafts as far as it is complete and return it back to the concerned parties in case of incompleteness indicating in one time what is incomplete to be settled.		
4	Requests submitted to the Sigueal El-Ainee District offices should concern Real Estates inside their associated regions and located in the areas which the decree of the Minister of Justice.		
5	Sets out the key duties of the Sigueal El-Ainee	YES	The term "concerned parties" is used quite often in the law

Art.	General Content	Amend Yes/No	Comments
	offices; first inscription, ownership and other registers, cadastral map reports, alphabetic personal appendices, review official written materials, document the contents of materials REUP, submit copies of REUP to owners, prepare certificates when demanded by concerned parties.		and apparently is reserved for persons holding rights in the real estate unit. However, the real value of a registration system is providing independent third party (government in most cases) confirmation of the status of title to those that are interested in dealing with the unit, by either buying it, taking a mortgage, or otherwise. If this feature is missing from the registration system then it is not properly serving the real estate market. See also Article 59 of Law 142 of 1964 which is the basis for this part of the Regulations.
6	If the Real Estates its data needed to be changed located in areas belonging to different Siguéal El-Ainee district offices then procedures of inscription should be made in each. The inscription made in one office will not have any effect except for the whole or part of the Real Estates located in its own belonging area.		
7	The Archive office of Siguéal El-Ainee store copies of Form1 & Form 25 other title registers and the alphabetic personal registers and its appendices which delivered to it from different SA offices.		
8	It is not allowed for the staff involved in SA processes to participate in any of SA work related to themselves or any of there relatives to the fourth degree.		
9	It is to be decided by Ministry of Justice the dates when inscription requests are accepted. It is not allowed to accept any request before or after the decided dates.		
10	REPD and ESA offices should assist in applying the Law of SA and its associated executive		

Art.	General Content	Amend Yes/No	Comments
	decisions each in its role.		
11	Issuing Decision of Ministry of Justice to determine areas applied for SA according to Article 2 from SA Law after inquiring the opinion of ESA and REPD. After publishing this Ministerial decision, it is announced in the Egyptian Official Gazette and also in one or more nationwide daily newspaper once every two weeks for a total of two months. The announcement contains the date of the ministerial decree, area for Siqueal El-Ainee and start date, information from Article s 18 and 19 of Law No. 142 of 1964 (Siqueal El-Ainee).	YES	The publicity campaign will have to be more extensive than what is required by these Regulations, but there is nothing in the Regulations that prohibits that. Also, the publication required by the Regulations is highly legalistic. There will also need to be publicity in layperson's language. If the Government decides to proceed with first registration free of charge, this Article would need to be amended, as would Articles 18 and 19 of the Law and various paragraphs of the Instructions that mention the 50% reduction of fees rather than a complete waiver of fees for first registration.
12	The announcement described in the previous Article should be posted on the doors of public consortium –old political party-, cooperative Agriculture offices, the police stations or minor police stations in villages, mayors' houses and on the Siqueal El-Ainee District offices for the Areas determined and on the advertising maps of the courts. This announcement should remain posted for two months.		
13	At least one month before the surveying works start, and to the end of these works concerning predetermined Areas, an announcement as mentioned in Article 11 should be advertised containing area of implementation of Siqueal El-Ainee, inform owners and adjoining of date of validation, schedule and time table, invitation to	MAYBE	The language in this Article referring to the placement of boundary markers may have to be altered in the urban context, especially in cases involving apartments, where boundary markers will not necessarily be placed as part of the first registration process.

Art.	General Content	Amend Yes/No	Comments
	attend and show property and submit documents, the staff responsible for surveying works to place marks that are property of the State and if these marks been lost or damaged or moved, the cost of re-fixing it will be on the shoulders of those who caused this. This announcement is to be sent to the parties mentioned in Article 11 and to be handled in the way mentioned in Article 12 and remain to the end of the surveying work.		
14	When the time comes for the validation of Siguel El-Ainee in the Areas concerned, the data results for the Real Estate Units should be announced for review by concerned persons. Cadastral maps for the properties should be prepared showing all the property units located in the determined Areas including its drawings, locations and numbers. Also a list REUP includes the data about related to the all Real Estate Units and the sub-joined rights/constraints or charges on them. Inform those whom it may concern about their right to raise their refusing –or doubt- of the procedures or decision taken in front of a judicial committees indicated in Article 21 of the Law. Also inform them that it is only one year chance for them to express their refusing –or doubt- unless the Ministry of Justice extends it to another one year. Siguel El-Ainee results and that REUP and the certificates produced from Siguel El-Ainee offices are the only documents to approve ownership root or right.	YES	<p>Note: the language requiring that cadastral maps show the location of all real estate units might have to be amended if first registration does not include the production of building and/or unit plans.</p> <p>It certainly cannot be the case that if the registry is completely wrong aggrieved parties cannot correct the record after the year term has expired. This would completely subvert the purpose of title registration, which is to be an accurate reflection of the status of real estate title. This language should be modified to coincide with the Law which establishes that within the one year period the Judicial Committee has exclusive jurisdiction to hear claims. Decisions of the Committee can be appealed to court. After the one-year period, claims can still be brought, but they would go directly to court instead of the Committee.</p> <p>There is also an underlying policy/legal decision to be made here which is whether adverse possession is possible in relation to a registered parcel. Law 142 currently seems to prohibit it. In the long run this should probably be amended in the Law and in the Regulations.</p>

Art.	General Content	Amend Yes/No	Comments
15	When time for Sigueal El-Ainee validation has arrived in the determined area, notification is to be sent mail with confirmed receipt to concerned parties listed in each REUP and the rights documented for each of them or charges, and inform them concerning their right to refuse –or doubt- these results in the way mentioned in the previous Article.		
16	The requests for publicizing written documents mentioned in Article 18 of the Sigueal El-Ainee Law which have a confirmed date before the issuance of the Sigueal El-Ainee Law No: 142 must be submitted to the relevant RDO together with the documents stated in Article 23 of Real Estate Publishing Law.	YES	Articles 16 through 19 basically convert the systematic adjudication process into a process of “registration and publication” of documents that have not been previously registered. This has the effect of subjecting a first registration to the same procedure currently used to register and publicize a document in the Sigueal El-Shaksi system. Ultimately, these Articles of the Regulations will have to be amended to coincide with a systematic adjudication model rather than a registration and publication model.
17	RDO sends requests indicated in the previous Article and its associated documents to the office responsible for preparation of Sigueal El-Ainee in the determined Areas as soon as it is submitted to investigate their surveying and legal aspects then to be sent back to RDO after the result of investigation signed.		
18	If the investigation results in the validity of the document to be publicized, the RDO sign its validity for acceptance and writes on the draft publicized proposal of the document that it is valid to be publicized. Then it is to be documented and the		

Art.	General Content	Amend Yes/No	Comments
	signature on it to be approved after paying the fee according to Article 18 of Siqueal El-Ainee Law. After publishing the document a copy of it is to be sent to RDO to be recorded in the draft ownership form –Form 1- and approve it when first inscription in place and in case of not published the right is to be recorded to the original owner not the other party in that un-published.		
19	If the requests for publicizing submitted after the period indicated in article 18 of Siqueal El-Ainee Law and to the validation date of Siqueal El-Ainee Law on the determined area; then the regulations of the previous two articles will be applied except the fees which should be paid completely (no reduction).	YES	We recommend that there be no fees or nominal fees and this Article will need to be amended.
20	If the settlement form mentioned in article 19 of Siqueal El-Ainee Law submitted at the period of the two months indicated in article 18 of the law; the responsible office for preparing Siqueal El-Ainee should, verify that the law and ministerial decree with respect to settlement forms have been complied with, investigate the origins of rights and determine the cadastral data, and investigate adjoining rights.		There are a number of aspects of this Article that should be amended once the adjudication process is settled upon. In any case, it should be recognized that Settlement Forms can be used at any time during the adjudication process, not just during the first two months. Also, the level of “investigation” that will occur will vary from case to case.
21,	The responsible office for preparation of Siqueal El-Ainee should produce a report stating the investigations on site field check and the statements of the concerning parties and the public authority staff. All should sign and also the Siqueal El-Ainee staff involved everybody has been asked		

Art.	General Content	Amend Yes/No	Comments
	should sign.		
22	If the Siguel El-Ainee responsible office has assured that all conditions exist and the fee paid and all signatures from concerned parties approved, then the settlement forms will replace the publicized written materials to record the rights in Real Estate Unit page.	YES	This Article will have to be amended depending on the decision regarding fees for first registration. There should be very few where the title is controversial, so most units should be able to be brought into the system quite quickly. There will be cases, however, where there are absentee owners and their rights should not be compromised, because they don't appear, if there is an appropriate record of their rights. Those who neglect to take advantage of the In Rem Registry Law do so at their peril, unless they are parties in possession, in which case their rights ought to be determined and registered. If this is done then this Regulation in conjunction with the In Rem Registry Law, in general is similar to first registration procedures followed in other countries with registration systems.
23	Surveying maps and registers of ownerships should be prepared based on the next articles.		NOTE WELL that Articles 23 through 65 govern "agricultural land" so they will only apply in urban areas to the extent that there is still some land officially designated as "agricultural land" in urban areas.
24	ESA prepares cadastral maps of properties and approve them. According to the technical specification and the scale of the maps is to be determined by ESA. Also ESA prepares draft ownership form (Form 1) and Form 25 and notifies concerned parties on the pre-prepared Form 1. Then a committee of two legal staff from Real Estate Publicity Department (REPD) and one technical staff from ESA should review and approve Form 1 and then to be approved by ESA.		

Art.	General Content	Amend Yes/No	Comments
25	ESA puts the field marks and observe it then draw it on the maps according to the instructions made for that purpose.		
26	Demarcation of real estate property, observation of boundaries; observation of topographic details and draw the boundaries on the original maps then draw it by ink and number these properties and calculate its areas should be made according the regulations which comes later (in this executive regulations).		
27	Real estate property unit should be determined according to the definition of the law by marks in the field to separate it from other units adjacent to it Only ESA technical staff shall be responsible for description, and placing, shifting or removing marks.		This Article needs to be amended because there won't be any marks in the field in most urban areas especially for apartment properties. Also, the present definition of real estate unit in Article 8 of Law No. 142 of 1964 (Sigueal El-Ainee) does not mention apartments. This can be corrected by decree of the Ministry of Justice.
28	Field sketches should contain the necessary measurements needed for the following objectives: Determine the unit boundary and link it to the fixed traverse points network, so that it could be possible to reallocate the unit on the reality when needed. Draw the units on the original maps. Calculate unit area.		
29	Locations of the fixed traverse points, topographic details and the units should be shown on the maps, also on the maps or on copy of them every change may happen to the unit should be drawn.		
30	Field work groups should be provided with references and registers as a guides as described		

Art.	General Content	Amend Yes/No	Comments
	in this Article.		
31	The Hods or its divisions are the smallest fixed financial units which the base for Title Registration in agriculture lands; it is like blocks or its divisions in urban areas.		
32	The base for Hod names, numbers, its boundaries and its areas is what in the previous cadastral maps and registers with the dimensions contained in the maps; forms and sketches which approved by Real Estate Taxation Committee.		
33	Public utilities are determined according to its status in the field and according to the reference and maps related to it.		
34	Public utilities which are not used any more without a decision from the responsible authority to get rid of them have to be determined according to the maps and references related to them.		
54	Ownership rights and subordinate ownership rights should be investigated consequently hod after hod and after having notified the rights claimants. The investigation should be carried out in the field where documents that support the rights of claimed are verified. It is possible, when necessary, to refer to the cadastral maps, Mukalafa registry, and surveying sketches. After the investigation is done, the names of land owners and users are registered in the surveying registry		Although this Article has reference to hods and is thus intended for rural areas, the field investigation will be critical for urban areas. The geographic investigation does not need to be detailed to produce a registration index map and it should be quite easy in most cases to determine the owners to be entered into the registry.
55, 56	The names of the owners of the real estate units are recorded into the surveying book according to the result of the field investigation supported by the		

Art.	General Content	Amend Yes/No	Comments
	supporting documents that convey or prove or cancel ownership. If one Mukalafa document includes many legal tax paying persons (share ownership type), each person should be stated with the belonging share of real estate unit. These data are documented based on the documents submitted from the persons in concern and a written approval from each partner.		
57	In the case when there are differences in the area belonging to each partner of the real estate unit, these differences are to be redistributed between them relatively to the share of each partner.		Where the owners hold shares in the whole, this is a process different than determining ownership. It is in effect a partition of the land and is arguably beyond the scope of implementing Siguel El-Ainee.
58	After the final approval of the surveying book, The original maps should be kept in ESA corresponding provincial office. The printed copies of the original maps can be used in Siguel El-Ainee work as exactly as the original ones.		
59	Registered servitudes, annex of each real estate unit, if any, and corresponding supporting documents are to be recorded.		
60	A land registry is to be prepared according to the relevant standard form so as to include the following data: Names of land owners in an alphabetic order, the area of real estate units owned by each owner whether it is in common or not and that is to be done for each Hod, tax values including different tax types, the difference in the area recorded in El Mukalafa register for each owner and the corresponding area according the cadastral surveying, Hods and real estate unit		

Art.	General Content	Amend Yes/No	Comments
	numbers should be arranged in the land registry in an ascending order.		
61	The field named "Mukalafa number" contains the number given to the relevant legal tax paying person's Mukalafa according to the governorates Mukalafa registers. If an owner was recorded in the surveying book basing on a document that was not recorded in the Mukalafa registers, then in that case the parent Mukalafa (from which the area in the document were transferred) can be recorded instead.		
62	The field named "remarks" contains remarks about the reason for any possible differences in the area as stated in the Mukalafa registry and the corresponding area in the surveying register. Especially if the shortage of the area was because of river erosion or interlocking with the village residential area. Also, it is to be mentioned how much area has been added to or separated from due to conveyance of ownership, if any.		
63	Every land owner and every right claimant should be notified with what has been registered in the surveying book in connection with their names. They should also be informed about that they have the right to submit objections within 15 days from the time they received the notification letter. They can object through submitting a complaint to the real estate publicity office, which has to forward it to the committee stated in the next article.		The 15-day comment period is probably not long enough to achieve reliable public review and comment. There is an implication in the Article 63 that if objections are not made within the fifteen day period they cannot be made, but it does not state this expressly. If this is the intention, then we suggest that the article be amended to accordingly.
64	The deputy minister of real estate publicity	YES	This seems not to require notice of the decision of the

Art.	General Content	Amend Yes/No	Comments
	<p>department issues a decision that create a committee named “objection on surveying book data investigation committee”. That committee is composed of two law background members and a third member to be nominated by ESA.</p> <p>The committee investigates the complaint, makes necessary out of office work, and document the result in a memorandum. After that the committee takes its decision. The decision may be to leave the situation as it is or correct the situation. In both cases, the complaint applicants should be notified with the committee decision.</p> <p>The committee has to finish its work early enough before the date in which the Siqueal El-Ainee law is in action (officially implemented).</p> <p>The complaints applicants can go to the juridical committee stated in the article no. 21 in the law if they are not satisfied with committee decision.</p> <p>The decision of the committee is to be implemented in the surveying book and in the cadastral maps.</p>		<p>objection committee to the non-complaining party. This is certainly an oversight and should be amended in the regulation.</p> <p>To keep the decision of the committee in both the surveying book and the In Rem Registry is a duplication of data and should be remedied.</p>
65	<p>For those persons who participated in the preparation of the surveying book, it is not allowed to be a member in the previously stated committee. The same principle holds regarding the committee stated in the Article 24.</p>		
66	<p>A city consists of one geographic section or several geographic sections. The geographic section consists of one block or several blocks. A block comprises one or many real estate building units that are adjacent to each other and surrounded by</p>		<p>Articles 66 through 81 are going to have to be amended to describe the final mapping, numbering and information gathering procedures. As they stand now, these Articles imply more surveying/measuring and collection of more information than will actually occur.</p>

Art.	General Content	Amend Yes/No	Comments
	<p>public outlets or rural real estate units or non cadastre units.(areas not adjudicated yet). The real estate building unit is determined as defined in the law</p> <p>Public outlets within a geographic section are considered to be an independent real estate building unit.</p>		<p>Note: The Law does not really define an apartment as a real estate building unit. This should probably be remedied in the Law over the long term.</p> <p>NOTE WELL: the translation of this is not entirely clear but it seems to say that all public rights of way would be considered as separate real estate units.</p>
67	<p>Maps are to be created for one or more of the geographic sections that a city is composed of. These maps are a part of the group of maps that the whole city is supposed to be covered by.</p>		
68	<p>The system in urban areas is to be applied for those regions that a ministerial decision has been issued for. For other regions, the process is delimited to just mapping the sections and the blocks without mapping each individual real estate building unit.</p>		
69	<p>The next documents should be provided for the workers involved in the approving and subscription of the final maps in addition to what the relevant parties might introduce of maps and documents.</p> <p>Copy of the presidential decrees that define and determines the boundary of building built in the city in concern, if any, in addition to a map that shows these boundaries.</p> <p>The boundaries of each "Police" section (zone) and "Sheakka" (an administrative unit), if any.</p> <p>A copy from the register that contains the value of taxation which is assessed for real estate units that has buildings built on.</p>		

Art.	General Content	Amend Yes/No	Comments
	A summary of registered contracts in the area in concern. License issued by ESA to permit surveyors having an access to the real estate units.		
70	Two types of field sketches. a "Determination sketch" and a mapping sketch.		
71	The Determination sketch is used to illustrate the dimensions of each real estate unit and the measurements required to calculate the area of it. The sketch contains the name of the owners, rights supporting documents, description of the real estate unit and a description of its limits.		NOTE: this "Determination Sketch" shows more information than is currently intended by the project.
72	The "for mapping sketch" is used for the necessary measurements to draw the real estate unit on maps.		Again, there might not be "measurements" available.
73	Demarcation points are to be used to determine and delineate the common boundaries of the adjacent property units.		
74	The internal details of the real estate units are represented by dotted lines	YES	Amend this Article because there probably will not be any representation of internal details of the unit.
75	A wall that exist between two adjacent real estate units is considered a common property in the following cases: The ownership legal documents prove that to be true. If the neighbors agreed upon that. If the apparent status (physically) is so clear that we can decided that.		This legal declaration of who owns walls should be covered in a Law, not Executive Regulations.
76	Real estate units are defined according to the Article no.27 of this executive regulations		See Comments for Article 27.

Art.	General Content	Amend Yes/No	Comments
	memorandum.		
77	If a contradiction was found between the legal document of a real estate unit and the adjacent outlet, then the width of the outlet should be respected according to the corresponding legal document of the outlet.		
78	The parts of buildings that lay in the adjacent outlet are represented by dotted lines. The same is applied for fenced vacant real estate units.		This Article describes the mapping of encroachments. As a practical matter encroachments are not going to be shown on our cadastral index maps.
79	Blocks are numbered in a sequential order. The real estate units within each block are to be numbered in a sequential order as well.		This Article might need to be amended to account for changes to the numbering scheme. Specifically, the current intent of the project is not to number blocks.
80	For each real estate unit a description field is assigned to. This field contains the number given to the real estate by ESA, the municipality and the real estate taxation authority.		
81	A surveying book is made for every group (geographic region) of the city. The Article set outs the contents of the survey book.	YES	Note: This Article will have to be amended because the Survey Book (what we are calling the Schedule of Titles) will not include all of this information.
82	The articles number 63 and 64 of these executive regulations with regard to notification of land holders, right of objection and the procedures of submitting and handling of objections, are to applied for urban areas as well.		
83	Registration applications are to be submitted in 3 copies to the corresponding juridical title register (Sigueal El-Ainee). The requests (applications) should carry the signature of both dealers in case of "voluntary transactions" such as selling and buying and gifts and should carry the signature of		Note: All the Articles in this Chapter will have to be amended according to revised transactional procedures.

Art.	General Content	Amend Yes/No	Comments
	the “conveyed to” party in the case of “regulations transactions” such as Court Claims.		
84	The applicants are given a receipt indicating the submitted documents and the ID assigned to their applications.		
85	In addition to what other things might be required according to the law, a request should contain the following data: data about the dealers, first name, middle name, last name, family name of title, address, nationality, religion, For representatives of others the request should contain their corresponding information as well as the scope of authorization they are given by the dealers. Data about the real estate unit (subject of the transaction). Parcel number. Size (area) of the transferred part. Limits, Rural area: Hod name, Hod number, District name, Urban area: Block number, Section number, city name, Street name, Street number, if any, Type of request (transaction), Root of ownership that prove it in the case of selling contracts and ESHHADAT ³⁹ , court decisions on validation of primary contracts or decisions on fixation of ownership or decisions on redistribution of a commonly owned land if they are based on setting the claimed rights to be true or if it is based on the agreement between the plaintiff and the defendant	YES	Religion should not be included as part of an application to register. Block number conflicts with our proposed numbering system. Once a property has been registered in Sigueal El-Ainee, there is no need for the owner to prove the chain of ownership each time there is a transaction. None of this information should be required except in cases of first registration. The chain of ownership will be of limited value even in first registration, and where there is already a publicized document it should not be required at all. Here the documents will have already been examined to issue the publicized document and to require it again is simply duplication of effort.

³⁹ A document drawn by the sheik that has the status of an official document.

Art.	General Content	Amend Yes/No	Comments
86	Requests of the type “recording inheritance” and the type “will”, should include the following data: - For the deceased person: First name, Middle name, Last name, Family name, Nationality, Religion, Place of resident, Date of death. - For each “inheritor”: First name, Middle name, Last name, Family name, Nationality, Religion, Place of resident, Date of death, - Data about the inherited real estate unit(s), - Original rights in rem, - Root of ownership, - The legal documents that prove inheritance right.		Root of ownership should not be necessary, even in inheritance cases.
87	Requests are listed in a book in an ordered way that takes care of recording the request number, date, and the hour (time of delivery). The mentioned book should contain also data that help to keep track of the request progressing status.		This Article will have to be revised to provide for a new form of log book to be developed as part of the project.
88	<p>If the request does not require a change to the geometry of the real estate units in concern and if all necessary request data are fulfilled, then the Sigeal El-Ainee inscribes that the draft inscription project is valid for inscription.</p> <p>If the request requires a change to the geometry of the real estate units in concern, then the request is forwarded to EDO for doing the following:</p> <ul style="list-style-type: none"> ▪ Check the request from cadastral data perspective ▪ Perform the necessary field work ▪ Verifying the ownership documents through necessary comparison ▪ Demarcation of the real estate unit using 		It does not seem appropriate for ESA to be verifying ownership documents. ESA's work should be limited to the geographic part of the process.

Art.	General Content	Amend Yes/No	Comments
	survey marks <ul style="list-style-type: none"> ▪ Notify the Sigueal El-Ainee with the overall results ▪ After that, the Sigueal El-Ainee inscribes that the draft inscription project is valid for inscription 		
89	The request applicant has to come to the Sigueal El-Ainee to receive the inscription project (Draft) after three days of being Inscribed to be valid for inscription. Otherwise it should be sent by mail at his address. If the applicant expressed his desire to have inscription project (Draft) immediately after being inscribed to be valid for inscription, the Sigueal El-Ainee should do that.	YES	There is an internal inconsistency here, because the Article requires that the applicant receive the draft within three days at the office for the inscription to be valid, whereas the second sentence implies that it will be valid if sent by mail, but doesn't say that. It can be argued that when it is sent by mail it is not valid. Note: there's really no reason that the applicant has to be provided with a new copy of the register unless he or she wants it. The register is the binding record of ownership and anyone should be able to get a copy of it at any time.
90	Both the Sigueal El-Ainee office and EDO has to refer to the Sigueal El-Ainee department in case of a case of disagreement occurs in order to take a final decision.		
91	If the request applicant changes his address without notifying Sigueal El-Ainee, then all notifications and documents sent to him should be considered to be received by the applicant.		
92	Every Sigueal El-Ainee district office should be provided with a copy of the surveying book so as to be referred to when checking submitted requests.		To avoid duplication, and consistent with our comments above, the survey book, to the extent that this part of the Executive Regulations are not amended, should not contain legal rights information. This is duplication.
93	Every Sigueal El-Ainee district office should be provided with a copy of the maps prepared in the		

Art.	General Content	Amend Yes/No	Comments
	occasion of first inscription (after adjudication process) for each village or city that are within the corresponding juridical region. It should be illustrated, on these maps, scripted real estate units as well as the real estate units that have submitted unscripted requests.		
94	Both EDO and the Siguel El-Ainee District Office have to record, on the cadastral maps on the corresponding real estate unit(s), the request numbers and year. After the inscription also the number and date of inscription is recorded on the cadastral maps as well. Two ink colors are to be used in this case.		Application numbers should not be recorded on the cadastral maps.
95	If several contradicting requests are submitted about the same real estate unit, article number 50 and the next articles are to be followed. The Siguel El-Ainee District Office shall have a book assigned especially for documenting such kind of requests and the actions that might be taken regarding these requests		There should not be a need for a separate book. All applications should be logged in one book.
96	For every real estate unit for which a request is submitted, a mutation form is created. A mutation form contains the following data: <ul style="list-style-type: none"> ▪ Real estate unit number, size, limits in addition to a layout that shows the shape of it. ▪ Detailed statement about ownership, and juridical or agreed upon restrictions. ▪ Original rights in rem and the subordinate rights. ▪ A table that shows how the real estate unit 		Mutation forms should have geographic information only, not ownership or other legal information. It appears that a mutation form is used as a sort of cover sheet when legal title is transferred. The document of transfer alone should be sufficient and a mutation form should not be necessary.

Art.	General Content	Amend Yes/No	Comments
	<p>was affected due to the requests submitted on (split into or merged to, etc.).</p> <ul style="list-style-type: none"> ▪ A table that lists the requests submitted on the real estate unit. ▪ A table that describes the change of the real estate unit status due to construction or demolition. 		
97	If the request involves the transfer of a part of the real estate unit, then marks should be used to separate that part.		
98	Two mutation forms are created. One is for the separated part and the other is for the remainder. The first mutation form contains the details of determination of the separated part and the other is for the remainder.		
99	No title document (page) should be created for a parcel that has a size less than the stipulated minimum parcel size. The minimum size of a parcel is determined by the Minister of Justice.	YES	<p>Is the Minister of Justice the right person to make this determination? Shouldn't it be made by local planning officials?</p> <p>There is a danger here that the axiom that all real estate has an owner will be violated if the purpose is to register all land systematically. I.e. there will be gaps in the registry.</p>
100	A book is assigned for the control of numbering the mutation form.		
101	Mutation forms are kept in order for each Hod and for each village. If real estate units were subdivided or amalgamated it should be indicated on their mutation forms that they are subdivided or amalgamated and the requests that caused these subdivision or amalgamation. The created real		

Art.	General Content	Amend Yes/No	Comments
	estate unit's numbers should be inscribed on the mutation forms as well.		
102	As a result of subdividing a real estate unit or merging it, the original numbers are cancelled and a new numbers are given to the created parcels. New created real estate units are given numbers that follows the last number within the Hod.		This might need to be amended depending on the final numbering scheme.
103	Demands submitted from request dealers for the sake of cancellation of their requests are accepted only if the demands have their signatures on.		
104	Changes on the cadastral maps are not to be finally executed until the corresponding transactions are legalized. (Scripted into the Sigueal El-Ainee Register.)		
	Section 2: inscription into the register		
105	Inscription projects (drafts) that are proved to be valid for inscription in the Sigueal El-Ainee Register are submitted to the Sigueal El-Ainee main Office by the applicants themselves or their representatives. If several Inscription projects (drafts) are submitted at the same time and one of them was dependant on the other then, it is possible to delay the dependant one till the other is legalized.		Why are applications submitted to the Main Office instead of the local registration office?
106	The Sigueal El-Ainee Main Office should check the identity, scope of authority of representatives of others and ask them to show the supporting		Is this a duplication of the notary's job? At some point, the notary should be in the SEA office and should perform this task.

Art.	General Content	Amend Yes/No	Comments
	papers. If the applicant is a public employee, his identity should be investigated.		
107	The Siguel El-Ainee Main Office should investigate and make sure that the applicant is the real owner and the transaction is within his share of ownership (not more than owns).		
108	The Siguel El-Ainee Main Office should prepare an indexed diary book. The head of the office should have a signature on every page. The submitted inscription drafts should be recorded according to the number, date of their submission.		
109	Missing in Translation		
110	The employee to which inscription drafts are given has to give receipt stating the number given to them and the attached papers, if any.		
111	Accepted documents for inscription into the Siguel El-Ainee register are listed as follows: voluntary conveyance - voluntary conveyance, inheritance - proving inheritance right documents, will - the well relevant document, expropriated lands - decree of expropriation, execution by force of the law - auction court decision, court claims - final court claim verdict.		This list is not complete. It is missing, for example, mortgages. It should say that any document establishing, amending or terminating a right to real estate may be submitted for registration and then it could contain a list, including, but not limited to...
	Chapter (5): Siguel El-Ainee register management		This Chapter describes the form of the Register. There will have to be amendments if the form of the register is changed as a result of the project.
113	A title page is to be allocated for each real estate agriculture or building unit according to the attached standard form.		

Art.	General Content	Amend Yes/No	Comments
114	In the place assigned for real estate unit details, the title page contains the following: The number of the real estate unit, Size, Map sheet no., Hod name and Hod number\block number and street number, Village\Sheakha name, District name\section and province names, The administrative data (province name, Hod name, etc) are to be derived from the surveying book, Map sheet number is derived from the cadastral map, The size is derived from the area form.	MAYBE	The size might not be known without expensive an unnecessary survey work. For urban areas there will be no Hod. There is no need to include the village, district and province names because they will be known as a result of the number of the real estate unit.
115	This section lists what will be on the title page in the place assigned for ownership information.	YES	We recommend that the title page, Sahayfa Akariya, be redesigned and that the data included be only that which is needed to support a real estate market. There can be other lists in cadastre for information that the GOE would like to track, but this need not be listed here.
116	Under the field named “restrictions”, are to be written the rents and bonds which are related to the utility of the state if its duration exceed nine years, the remittances and acquittals (=quits) which deal with more than the rent of three years in advance, also the final verdicts which determine one of the aforementioned subjects, all of these documents must be recorded. Also, the announcement and declaration of having the priority to buy the real estate unit in concern, debts court claims against the information recorded in the Siguel El-Ainee Register and all legal and agreed upon types of restrictions and bonds.		
117	The servitude rights should be written in the relevant place in terms of the servicing and the		

Art.	General Content	Amend Yes/No	Comments
	served real estate units.		
118	In the field of the subordinate rights in rem and the Mukalafa, all the subordinate rights in rem and what might be related to it are to be recorded.		
119	In the field named "notifications data", the real estate unit's annex and irrigation equipment are to be recorded.		
120	In the field names "assessments" the tax value and the value of the real estate unit are to be recorded.		This information should not be part of the register.
121	If the owner transferred (sold, for example) all of the real estate unit that he owns, the deletion symbol x is inscribed on the right and on the left of his name in the title page. The name of the new owner is to be written, in black ink, in the following line and according to the regulations explained in the article no. 114 of these executive regulations. The new owner's data is derived from the inscription document.		In essence this is just like creating a tract index for the unit. It should not be difficult to determine the ownership of a parcel from this so-called "title page", but it will be difficult over time to keep track of the rights and interests less than ownership, such as mortgages, leases, assignments of mortgages, servitudes, covenants, conditions and restrictions. This is where an automated system can be very helpful, since such systems can be created to automatically deal with certain of these lesser interests that expire by time, operation of law, consent of the right-holder etc. The form for the Sahayfa Akariya should be simplified and with technology there will be no need to place X's on an page.
122	If a partner of a commonly owned land has transferred (sold, for example) his share then the deletion symbol x is inscribed on the right and on the left of his name in the title page and the new partner should be given the next number (of the last partners).		
123	If a partner transferred (sold, for example) part of the real estate property that he owns, the deletion		

Art.	General Content	Amend Yes/No	Comments
	symbol x is inscribed on the right and on the left of his name in the title page. His name is to be written again in black ink directly after the end of list of partners names in front of the part remained for him. In front of the remained area the word "remained" is to be recorded as well. Then, the new owner data is to be recorded as described earlier.		
124	The subdividing or amalgamation of a real estate unit has the following consequences: Cancellation of the title page of the real estate unit that has been subdivided or amalgamated and replacing it with a new title pages. The data contained in the new title page are derived from the cancelled one and the inscription documents that caused the subdivision and/or amalgamation. Other references can be referred to as well. The permanent archiving of the old title page after recording the data of the new real estate units on it.		
125	Amalgamation or subdivision should be done in the field either through setting out or setting off the demarcations points and after the necessary field work, the calculation of new areas, recording the results in the corresponding mutation forms, and drawing the executing the change on the cadastral maps using especial colors.		
126	Any data scribed in the title page should be accompanied with the clear and readable signature of the person who writs it. And approved from the head of the office.		At some point it might not be necessary for the head of the office to approve every registration.
127	Effacement or insertion of words into the title page		

Art.	General Content	Amend Yes/No	Comments
	is not allowed at all.		
128	A book is prepared to control the title pages. The book includes the printed number of each title page and the purpose for which it has been created. If a title page is cancelled because it is torn or whatever, the head of the office should personally participate in the cancellation process. The reason for cancellation should be recorded in the aforementioned book. Cancelled title pages are archived for 15 years.		
129	The Siguel El-Ainee offices should prepare a daily inventory list for the inscriptions made in the last day. These lists are sent every week to the relevant Siguel El-Ainee District Offices to record it in its references. Also, two copies of the aforementioned lists are sent to the general archiving house record it in its references.		
	Chapter 6: Indexing, access for reading, and title certificates		
130	Every Siguel El-Ainee Office prepares an alphabetic index for each cadastre section in which there is a title page for each owner that shows the real estate units that he owns in that cadastre section. The information in that index is derived from the information recorded in the Siguel El-Ainee Register.		
131	Every Siguel El-Ainee Office prepares a province based index register organized in alphabetic order. This indexed register contains the name of each		It seems that there should be one title page for each unit and this is how the records should be organized. There can be an alphabetical ownership index, which would

Art.	General Content	Amend Yes/No	Comments
	owner with the corresponding real estate units that are owned by him within the province. The information in the indexed register is to be derived from the surveying book. A copy of that indexed register is annually sent to the central public archiving house.		reference the title page applicable to each owner.
132	Every person has the right to access the information recorded in the indexed registers after paying the fees. A book is prepared for that purpose.		This is very broad and is inconsistent with Article 59 of the Law On Siqueal El-Ainee. It is a good provision if it is not limited to owners and persons with rights in the unit. Law No. 142 of 1964 (Siqueal El-Ainee) must be changed to allow open access to the information in each Sahayfa Akariya.
133	The Siqueal El-Ainee Offices should give any person a certificate of the restrictions that might be on any of the real estate units. This certificate should be delivered every time a person may ask for it but after the fees are paid.		This is not limited to the units that the person has rights in and can be construed to grant general public access, which is better than the language in Article 59 of the Law.
134	This decision of executive regulations is to be published in the Egyptian Gazette and is valid and in action from the date of publishing.		

Appendix 9: Table: Instructions with Comments

Art.	General Content	Amend Yes/No	Comments
1	The offices and district offices of the Real Estate Publicity Department shall carry out the work of the Title Register.		
2	The General Department of the Title Register shall be one of the general departments of the Real Estate Publicity Department. It shall be in the city of Cairo and shall have the listed functions.		
3	Every Title Register office shall register real estate related documents falling within its competence, in the Title Register.		
4	If the data changes concern real estate that falls within the competence of several offices, registration of this data should be carried out in each of these offices, and registration in any of these offices shall only be effective for the real estate or parts of real estate that fall within its competence.		
5	The Title Register offices shall carry out the following duties: 1-To make the first entry in the Title Register. 2- To keep the originals of property survey records, budget records, survey maps, field verification reports and all the documents related to first registration. 3-To keep the originals of certificates of titles. 4-To photocopy ownership survey records, budget records, real estate documents and to provide copies to the Archiving Department. 5-To prepare personal alphabetical indices and	YES	Item 9 refers to the registered document that serves the function of owners' duplicates for registry systems. We recommend that this be eliminated from Law No. 142 of 1964 (Sigueal El-Ainee) and if this is done, this instructions must be modified.

Art.	General Content	Amend Yes/No	Comments
	<p>their appendices and provide copies of them to the Archiving Department.</p> <p>6-To revise documents presented by persons concerned and then register them.</p> <p>7-To record the contents of documents of real estate that falls within its competence in its certificates of titles and to mark these documents as registered.</p> <p>8-To keep documents used in registration or marking in the certificate of titles of the Register.</p> <p>9-To give photocopies of the certificates of titles (ownership certificate) to owners.</p> <p>10: To issue certificates based on certificates of titles of real estate.</p> <p>11-To give permission to read (peruse) personal alphabetical indices.</p> <p>12 –To prepare daily records of entries and notations made in the Title Register and send copies to the departments concerned and the Archiving Department.</p>		
6	Applications and settlement forms that are presented to the departments of the Title Register shall be concerned with real estate falling within their competence and shall be within the survey sections, to which the decree of the Minister of Justice on the entry into force of the Title Register system applies		
7	The Title Register offices shall accept settlements forms and review them from the legal point of view, hold field verification investigations, notify	YES	We recommend that the procedures be modified so that there is only one form and that it covers both the procedure for registered documents and informal

Art.	General Content	Amend Yes/No	Comments
	<p>applicants, once only, of information lacking and stamp the forms with the Republic Seal after reviewing them.</p> <p>It shall also examine applications, make a legal revision of projects contained in the documents, notate that these projects are valid for registration when all requirements have been fulfilled and return the documents to the applicants if they are incomplete stating once only the missing documents or incomplete aspect of project.</p>		procedures.
8	<p>The engineering offices of the Departments shall examine the settlement forms and applications referred to in the preceding article, from the point of view of surveys and field verification of real estate and define them with markings, wherever necessary, and inform the departments of the result of their work.</p>		
9	<p>The Archiving Department of the Title Register shall keep copies of ownership survey records, budget records, title registers, and alphabetical personal indices forwarded to it from the Title Register offices. The Archiving Department of each office shall be kept separately, and these Archiving Departments shall be arranged in line with the system applied at the Title Register offices.</p> <p>It shall also make notation on the copies of real estate records and alphabetical personal indices, according to the contents and markings forwarded to it from these offices.</p>		
	PART II FIRST ENTRIES		

Art.	General Content	Amend Yes/No	Comments
	CHAPTER ONE DEFINITIONS		
10	<p>The Title Register is a group of certificates that indicate the characteristics, legal status, rights and obligations, transactions and changes of real estate.</p> <p>Each survey section shall have a title register that will contain the certificate of titles of each real estate unit, which will be numbered according to the rules applied in keeping records.</p>		
11	<p>The Survey Section is the real estate area which is established by a decree of the Minister of Justice. The basins or sections are the smallest fixed financial units, on which the title register system is based in agricultural lands. In cities and urban areas, they are blocks or units.</p>		
12	<p>Real estate units are:</p> <ol style="list-style-type: none"> 1- Every piece of land that is located in a given survey section. It is owned by one person or more in common ownership, without any part being separated as public or private property, and without any part having separate rights and obligations from the other parts. 2- Mines and quarries, 3- Public utilities. <p>By a decree from the Minister of Justice, it may be possible to consider a housing area, or other real estate, a housing unit which shall have a general certificate of titles.</p>		The Ministry of Justice must issue a decree adding apartment units for urban Sigueal El-Ainee.
	CHAPTER TWO		

Art.	General Content	Amend Yes/No	Comments
	DEFINITION OF SURVEY SECTIONS		
13	A decree, issued by the Minister of Justice, shall define survey sections to which the Title Register shall apply. The decree shall specify the date of entry into force, provided that this date is at least six months later. This is in accordance with a proposal from the Board of Directors of the Title Register Fund. (Article 2/1 of Law No. 142 of 1964, Article 2/3 of Law No. 56 of 1978 for the establishment of a Title Register Fund, Article 11 of the Executive Regulations of the Title Register law		
	CHAPTER THREE PUBLICATION		
14	The Title Register Department shall publish the Ministerial Decree mentioned in the previous article in al <i>Waqai' al Misriya</i> (the official gazette). As soon as the said Decree is published, the Real Estate Publicity Department Offices shall supply the concerned Survey Departments with copies of all relevant documents, which have been publicized, by the publication date of the Ministerial Decree, if they have not been informed, and this shall be within one month of the publication of the Ministerial Decree at the latest.		
15	After publicizing the said Ministerial Decree, the Title Registration Administration will publish an announcement stating the entry into force of the Title Register in the survey section defined by the Ministerial Decree, (Form 8 Title Register) in <i>Al Waqai' al Misriya</i> (the official gazette), and in more		

Art.	General Content	Amend Yes/No	Comments
	<p>than one widely read newspaper, once every two weeks, for a period of two months.</p> <p>The Title Register management shall publish this announcement in the other mass and information media, such as radio and television etc.</p>		
16	<p>A. The Administration of the Title Register shall send this announcement to the relevant ministries, organizations and bodies such as the Ministries of Agriculture, <i>Awqaf</i> (Religious Endowments), Irrigation, and Local Government, and the Real Estate Taxation Department, the Taxation Department, Roads and Bridges Department, the General Authority for Land Reclamation, the General Authority for Antiquities, the General Authority of <i>Awqaf</i>, (religious endowments) the General Railway Authority and the General Tourism Authority.</p> <p>B. The concerned title register offices shall send this announcement to the heads of agricultural cooperative societies, the directors of districts, and departments and heads of police stations, mayors, and imams of mosques in the concerned survey sections, so that the public can be informed of it.</p>		
17	<p>A representative of the concerned Real Estate Publicity Department shall:</p> <p>A. Post the said announcement (Form No.8bis Title Register) on the doors of agricultural cooperatives, police and district stations, mayors' offices, and the Real Estate Publicity Department offices in the survey sections and on the poster</p>		

Art.	General Content	Amend Yes/No	Comments
	<p>boards of law courts, which fall within the competence of the said survey sections.</p> <p>B. This announcement shall remain posted for two whole months as stipulated in Articles 18 and 19 of the Title Register Law. Civil servants in the Administration shall see to this and report any breach in, or damage of the poster to the Real Estate Publicity Department, so that it can post another announcement to replace it.</p> <p>C. A record shall be made of the posting of Form (11 Title Register) that shall be signed by the representatives of both the district office and the entity, which has this poster affixed to its door.</p>		
18	<p>The Title Register Administration shall publicize an announcement on the beginning of survey ownership actions (Form No. 9 Title Register), at least one month before the beginning of survey actions, and until the termination of these actions in every survey section, in accordance with Article 15 of these Instructions,</p> <p>This announcement shall be sent to the bodies mentioned in Article 16 of these Instructions.</p>		
19	<p>The above mentioned announcement (Form1 No.9bis Title Register) shall be posted in the manner indicated in Article 17 of these Instructions, and the poster shall remain there until the termination of the survey actions.</p>		
20	<p>The Title Register Administration shall publicize the announcement of date for the entry into force of the Title Register System (Form 1 No.10 Title</p>		

Art.	General Content	Amend Yes/No	Comments
	Register) in the survey sections in the manner stipulated in Article 15 of these instructions.		
21,	The said announcement (Form 1 No.10 bis Title Register) shall be posted as indicated in Article 17 of these instructions.		
	CHAPTER FOUR INFORMAL CONTRACTS FIRST SECTION DATED DOCUMENTS		
22	Applications to publicize the documents referred to in Article 18 of the Title Register Law etc. If any one person shall refuse to sign, this shall be notated in the enquiry along with the reason for his refusal. The office shall present the application and its attachments to a committee that shall be formed in the publicizing office, and which shall be chaired by the Office chief and the members shall be the two most senior assistant chief.	YES	Once again, we recommend that the procedure for publicized (registered) documents and informal transactions use the same procedure. Also the fee of 1% of the real estate value set out in this Article is too high for original registration. If a person refuses to sign it will be difficult to ascertain the reason for the refusal.
23	The District Office shall send copies of these applications and the related documents to the Engineering Office, as soon as they are presented to be examined from the surveying standpoint. The papers shall then be returned to the District Office with a notation of the results of the examination.		We recommend that map indexes with a minimum amount of geographical information be prepared and that the Siqueal El-Ainee procedure focus on adjudicating the title rights using practical methods.
24	If the results of the examination favor publicizing the applicant's documents, the district office shall notate its acceptance and shall notate the draft as valid to be publicized. It shall then be endorsed and the signatures authenticated, after the fees are		There is significant duplication examining documents between the registrar's office and the Engineering office. The signatures should be authenticated before the submission of the application? Since the document are already registered the Siqueal El-

Art.	General Content	Amend Yes/No	Comments
	<p>paid, pursuant to Article 18 of the Title Register Law.</p> <p>If the document is publicized, the concerned real estate publicizing office shall provide the Survey Department that shall prepare a survey ownership book with a copy of the document to be included in a draft of these records, if they have not been endorsed. Otherwise, the constant right shall be directly entered into the register when the first entry is made.</p> <p>If the act has not been publicized, the right shall be entered by the administrative officer in the owner's and not the assignee's name.</p>		<p>Shaksi like procedures are unnecessary for implementing Siguel El-Ainee.</p> <p>The authorities in the registrar's office ought to have the authority to authenticate the documents and accept them for registration and this should be extended to the persons conducting field verification.</p>
25	If the requests for publicizing are submitted after the date mentioned in Article 18 of the Title Register Law, and before the entry into force of the law on the survey section, the provisions stated in the two previous articles shall be applied, with the exception of the fees that shall be paid in full.		
26	<p>The document shall have a fixed date in conformity with Article 18 of the Title Register Law:</p> <p>a) as of the day it is entered into the Register,</p> <p>b) as of the day its contents are recorded on another paper with a fixed date</p> <p>c) as of the day it is notated by a competent administrative officer.</p>		
27	The settlement form referred to in Article 19 of the Title Register Law shall be written in two copies on a special form (No. 26 Title Register).		
28	The form shall be presented with the supporting		The phrase "persons acting on their behalf" should be

Art.	General Content	Amend Yes/No	Comments
	documents by one of the parties involved, or persons acting on their behalf, to the Real Estate Publicity Department Office in the district, where one of the real estate units, which are the subject of the settlement, is situated, within two months of the issue date of the Minister of Justice's Decree, defining the section or survey sections, in which the entry into force of the Title Register system has been decided.		extended to persons that are doing field verifications. They should be allowed to assist owners and other concerned persons in collecting data and ought to be able to submit this information to the registry office on their behalf. The two month time period after the Minister's decree is not sufficiently long to allow systematic registration. This was the case for agricultural areas and the Minister had to extend the time.
29	The Department shall register the settlement forms in a special record (Form 28 Title Register) with consecutive numbers. It shall give the applicants receipts indicating the registration number, date and the attached documents.		
30	The following information shall be written on the first part of the form: 1 –The names, surnames, and fathers' names, grandfathers of the fathers of the persons concerned, their age, religion, nationality, address and attributes. 2-The subject on which agreement has been reached, its conditions and what was given in return, if any thing has been given. 3-The real estate that is the subject of the settlement shall be defined in great detail, specifying location, area and borders, provided that this real estate is situated in the district section or survey section, to which the system of the Title Register applies. 4-A statement of the costs of the real estate that is		The term original owner must be defined in some manner. Is this person that is shown in the records? The person with whom the person submitting the settlement form has dealt? "Original owner" is not defined in Law No. 114 (Siguel El-Shaksi) or in Law No. 142 of 1964 (Siguel El-Ainee). It would seem that some of this information is of record and adding this information to the Settlement Form shouldn't be required. It will inhibit and delay the use of blank forms by field teams trying to gather title information.

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	the subject of the settlement, its original owners and other original physical rights with the supporting documents. 5-A statement of the affiliated physical rights borne by the real estate that is the subject of the settlement and the names of owners, together with the supporting documents.		
31	The information stated in the above mentioned article on the concerned parties who were referred to in Article 19 of the Title Register shall be signed by the parties concerned or persons acting on their behalf in the specified column on the form.		
32	The District Office shall send a copy of the form to the Engineering Office for review from the survey standpoint, to carry out a field verification of the real estate, and place markings, where necessary, and then, send a written report to the District Office on the results of the review.		
33	If the application is accepted, the results of the investigation shall be written in the second part of the form and the form shall be returned to the applicant, so that he can pay the fees and have the signatures of the parties involved authenticated. In the event, that the application is rejected, the applicant shall be notified by registered letter, of which receipt is acknowledged by the recipient on a postal slip. The registered letter shall contain the reasons why the application was rejected.		Why shouldn't the signatures be authenticated before submission of the settlement form? Does authentication in this instruction require that all parties appear before the same notary at the same time? Does a court proceeding for verification of signatures suffice as verification? If yes, how long does such a court case take?
34	The District Office shall include in the report, its investigations the field verification, the statements		How does the signing by these persons result in the tracing back to the "original owner", whatever this means.

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	<p>of the parties concerned, neighbors, senior officials, and those questioned. The concerned civil servants and the parties questioned shall sign, so that the informal contracts can be traced back to the original owner. If it is proved in the enquiry that one of the owners in the informal series died after 31/12/1946, there shall be no need to publicize the inheritance, and there shall be no need to request the devolution of the endowment, if it has been ascertained that the death occurred after 10/9/1944. In this case, the death certificates and the documents proving the heirs need not be presented. It shall be enough to record this information in the report on the enquiry.</p>		<p>This, in effect, presupposes that there will be a chain of informal documents in the possession of the claimant. These are similar to so-called muniments of title, which are used in some systems around the world. It should not be necessary for field teams to chain informal contracts back to an “original” owner.</p>
35	<p>The settlement form shall be reviewed in order to examine informal contracts and trace the owner who has tax obligations and it shall be enough to include the parties of the last contract. Ownership may be recognized on the grounds of seizure pursuant to Article 23bis of Law No. 114 for 1946. The measures stipulated in the Ministerial Decree 948 for 1976 may be overlooked by amending some of the provisions of the Executive Regulations of Law No.114 for 1946 organizing the Real Estate Publicity Department...</p> <p>If the contents of the survey statement defining the border of the real estate are different from the survey statement in the informal contract, on which the form is based, a distinction shall be made between two cases:</p>		<p>This seems to indicate that only one contract needs to be produced that conforms to the payer of the real estate taxes. Article 23bis of Law No. 114 of 1946 (Siguel El-Shaksi) allows claim of title by adverse possession and refers to the Civil Code. This simplicity should be retained in any new instructions.</p> <p>This just means that one does not have to produce documents that have already been recorded under the Siguel El-Shaksi Law and this is as it should be. The most important phrase is that “the party concerned shall be requested to supply evidence of ownership. The clause regarding fees is important. The fee for the last conveyance is all that needs to be paid.</p>

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	<p>Publicized documents proving ownership may not be demanded, and it shall be enough for one of the civil servants of the District Office to read the originals kept in the office and write a summary of the information contained therein.</p> <p>If the original documents are not in the office, the party concerned shall be requested to supply evidence of ownership.</p> <p>The rules regulating contradictions between settlement forms on the one hand and between them and Real Estate Publicity Department applications, on the other, shall not be enforced because the principle of precedence is based on one book in which the applications are entered, and settlement forms and Real Estate Publicity Department applications are not entered in one book and are not subject to the same law.</p> <p>The fee for settlement forms shall be fixed and collected for the last informal part only.</p>		
36	<p>It shall be sufficient to attach a copy of the last informal contract, which is the subject of the form, without the series of informal contracts. The concerned parties shall testify that it is a true copy of the original. If it is difficult to present such a copy, the concerned party may make a statement, for which he or she shall be held responsible, and it shall be possible to proceed with the other measures.</p> <p>If the informal contract referred to in the form on the last part is proved valid and enforceable, it shall be</p>		<p>This Article is inconsistent with language in Article 34 that speaks of an informal series and the language later in this Article referring to a “chain of informal documents”.</p> <p>This is a valuable principle. Testimony can be given if contracts cannot be produced.</p> <p>“If the informal contract referred to in the form on the last part is proved valid and enforceable”. How proven valid? Testimony in the registration office? Court? If this procedure can prevail, why is authentication required in Article 33.</p> <p>Taken as a whole if there is a chain of informal</p>

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	<p>possible to dispense with the authentication of signatures of those against whom the ruling has been issued (the seller or the parties to exchange and subdivisions).</p> <p>The signature of the party in whose favor the ruling was issued, who is in possession, shall be considered enough, provided that the ruling and evidence of its finality shall be attached.</p> <p>If either party in the chain of informal contracts is subject to an Agricultural Reform law, the provisions of this law shall be applied to the form.</p> <p>If the original ownership of the real estate in the transaction, stated by the form, includes part of State property, and the concerned parties insist on including it and present documents proving their ownership of the said part, then a representative of the body overseeing State property shall sign the form, indicating approval for the entry of this form in the Title Register, if this entity is not party to the last part and it shall be enough for the entity that is administratively responsible for State property to affix the government seal.</p>		<p>documents, they must be reviewed. If there is not, then testimony or adverse possession is enough to establish ownership. It should not be necessary to examine the chain of informal documents. This provision actually will encourage persons concerned to hide or deny the existence of a chain.</p> <p>Strictly speaking the parties should not be able to prove ownership to the State Property part, because one cannot adversely possess against the State. This section might mean that if the parties prove ownership to the part that is not State property and include a part that is, and the body overseeing State property has signed the form, then the real estate unit as claimed can be registered as proved.</p>
37	<p>After the payment of fees and the authentication of signatures of the concerned parties, the form shall be submitted to the concerned Title Register office to prove the rights contained therein at the time of the first entry in the Title Register.</p>		
38	<p>As soon as they are presented to the concerned Title Register office these forms shall be recorded in a book specially prepared for this purpose. There</p>		

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	shall be columns in the book for the following: a) Serial number, b) Date submitted, c) The name of the beneficiary, d) The survey section and district, e) Relevant measures taken.		
39	The civil servant, who shall receive the application, shall give the applicant a receipt, indicating number and the registration date mentioned in the previous article, and a list of the attached documents.		
40	The settlement form shall be reviewed from both the legal and financial standpoints on Form 16 Real Estate (<i>shemiz</i>).		
41	The party concerned shall be informed of incomplete aspects in the form by a registered letter that the recipient shall acknowledge with a postal slip.		
42	If the entity that is responsible for the Register ascertains that the conditions in form and content have been met, that the correct fees for the rate defined, have been paid and the signatures of all those concerned have been authenticated, then the settlement forms shall be equivalent to publicized documents in <i>registering (or proving)</i> its rights in the Certificate of Titles.		
43	On the date of the entry into force of the law in the Survey Section, Form 46 Title Register shall be filled. (About notifying the Real Estate Tax Department of the contents of the Title Register.) The form shall include in the Survey Ownership Book, the information contained in the settlement		This appears to be a translation infelicity. In a proper procedure all information should have been resolved. What may be meant here is that outstanding encumbrances need to be shown in the Title Register.

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	forms that have not been resolved, and which have been directly included in the Title Register and there shall be a transfer of the tax obligation.		
	CHAPTER FIVE OWNERSHIP SURVEY BOOK		
44	The ownership survey book is one of the sources for the data of the Title Register. It is a special record (Form 1 Survey). It has special columns, each for different data. The unit of this book is the basin, parcel, taxpayers, the devolution of land, type of possession, taxes imposed on every parcel of land or part of it, and the share of each taxpayer.		
45	There are several phases in the preparation of the Ownership Survey Book: a. Settlement of the book b. Legal revision of the book c. Notification of owners and those, who have rights, of the data written under their names in the book. d. Consideration of complaints and objections to putting the book in order presented by those concerned. e. Preparation and adoption of a fair copy of the book.		
46	The employees of the Egyptian General Survey Authority shall make a draft of the ownership survey book and put it in order by filling in the columns. The required information is listed.		The survey book contains a lot more information than is needed for registration index map. This looks very much like the start of a fiscal cadastre. The creation and maintenance of this book should not be part of the initial registration process. It may be that the GOE needs o keep this information, but

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			that should be done completely separately from Sigueal El-Ainee at the government's expense.
47	A committee consisting of two legal members from the Real Estate Publicity and Notarization Department and a survey expert from the Survey Authority shall revise the Book. (Article 24 of the Executive Regulations of the Title Register Law.) This committee shall be formed by the decision of the head of the Central Department in the Real Estate Publicity Department. Persons who took part in preparing the draft Ownership Survey Book may not be members of this Committee.		
48	Before performing their duties, the revision committees, shall prepare lists in one original and one copy, of the numbers, and dates of registered contracts in every survey section. The original shall be attached to the revision committee's report.		
49	The committee shall see that these lists correspond to the maps presented by the Survey districts, and incomplete data shall be supplied by the Survey officer.		
50	The revision committee shall prepare summaries of the registered contracts for which negatives of photocopies are hard to obtain from survey districts. These summaries shall be attached in their order.		
51	Notification of concerned persons regarding the data recorded under their names in the Survey Book:		The 15-day period is too short to realistically allow persons to make claims or objections.

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	<p>The General Egyptian Survey Authority shall notify persons concerned with the results of the settlement in the survey ownership book on Form No.59 Survey, reminding them of their right to contest the results of the settlement through a complaint that may be submitted to the concerned Real Estate Publicity Department office, within fifteen days of receipt of notification. This complaint shall be forwarded to the Committee referred to in Article 64 of the Executive Regulations of the Title Register Law referred to in the next article.</p>		
52	<p>The complaints and objections shall be investigated by a committee that shall be formed by the decision of the Head of the Central Department in the Real Estate Publicity Department. This committee shall be called the committee for the investigation of objections to the settlement contained in the Ownership Survey Book. It shall consist of two legal members from the Real Estate Publicity Department and an engineer nominated by the Survey Authority.</p> <p>Persons who have taken part in drafting the settlement of the Survey Ownership Book or the Revising committee may not be members of this committee.</p> <p>The committee shall investigate the complaints, make the required surveys and write a report on the results of the investigation. It shall then take its decision, either to maintain the status quo or carry out the required reforms, after notifying the</p>		<p>Law No. 142 of 1964 (Sigueal El-Ainee) states that the judicial committee will have exclusive jurisdiction to determine claims in the first instance for one year “after the effect of the Law”. The list of all complaints shall be closed after this one year period unless the Ministry of Justice extends it. There is no period within which the judicial committee must make a decision.</p>

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	<p>concerned persons. This Committee shall complete its work well before the date set for the entry into force of the Title Register system in the survey section in which it was formed. With regard to complaints on which no decisions have been reached, the persons concerned may bring the matter before the legal committee referred to in Article 21 of the Title Register law.</p> <p>The Committee's decision shall be implemented on the maps and the Ownership Survey Book.</p> <p>The objections that are submitted shall be recorded in a special book for this purpose. (Form No. 36 Title Register.)</p>		